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13 January 2005

Memorandum For: Inspector General

Subject: Joint Response to Draft IG 9/11 Report

I. Introduction

The following is a joint response from all of the undersigned to the draft IG report on 9/11. Overall, we would characterize the draft IG report conclusions as unreal. The environment the draft IG report describes does not bear any resemblance to the one we worked in.

- None of the participants, however, have been allowed to see the entire IG report. Without reviewing the entire report and all the data available to the IG staff, it is impossible for us to accurately and completely respond.
 - In written communication, the IG indicated that they were not providing the complete report to us for privacy reasons. We are in the process of drafting a privacy waiver that we will sign to remove this as an issue of concern preventing us from reviewing copies of the entire report. We will submit this waiver to the IG soon and assume that will allow us to receive and review the next draft of the entire report. If this is not the case, we expect a written explanation of any further IG objections to our review of the entire report prior to submission to the DCI.
- Neither has the IG given us access to all of the data used to generate its conclusions, including statistical analyses that seem selective or flawed based upon our review.
- The letters we were all sent informing us of the review and the possibility of Accountability Boards indicate we "may have failed to perform (our) responsibilities in a satisfactory manner," but do not identify what standard we are being held to. (U)

For the sake of completeness, we ask that the joint and individual responses be included, at a minimum, as annexes to the final IG report. If we are given access to the final report to be submitted to the DCI, we may revise these responses and, in that case, would ask that the revisions be included for the sake of a complete record.

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- o By and large, factual errors in the sections individuals have been allowed to read will be corrected in their separate, individual responses. This memorandum will address broader issues, context, and misrepresentations of the environment within CTC and the Agency as well as we can without having the entire report available to us. ~~(U)~~

The leadership team in place during the runup to 9/11/2001 (J. Cofer Black, Ben L. Bonk, Henry A. Crumpton, and []) states as a preliminary point that it was responsible for the Center's actions, within the constraints placed upon us by policy and the resources we had under our control. It is also our belief that to hold more junior officers responsible for the environment they found themselves in, and over which they had no control, would only encourage an environment of risk-aversion or discourage individuals from taking on the hard missions. ~~(S)~~

II. Context

As best we can tell from the portions we have seen, the IG report lacks appreciation for a number of key contextual issues, and as a result significantly misrepresents the environment that existed in CTC in 2001. ~~(U)~~

A. Workload. First and foremost is the issue of CTC's workload. As a group, we strenuously dispute the IG findings that imply that the workload and stress in CTC were no greater than comparably sized groups elsewhere in the Agency. Those of us who worked in CTC during this time period attest that this is simply not true. The workload, intensity, and crisis environment were not comparable to any other Headquarters unit. We believe the selective use of badge and other data is not representative of the workload of the Center. Specific corrections are being offered in the individual responses. ~~(U)~~

Remarkably, the draft IG report fails to account for the fact that an IG Inspection report issued in August 2001—just one month before the attacks—reported on the unusual workplace stresses in CTC. An excerpt from the Executive Highlights (pages vi-vii) best sums up the environment:

~~(S)~~ **Stressful Work Environment.** Center employees frequently operate in a state of crisis—resulting from a series of terrorist incidents and multiple known threats—and amidst strong demands from policymakers and Agency senior managers. Moreover, a substantial proportion of CTC personnel believe that their work unit does not have sufficient personnel to accomplish the mission. **This combination leads to employee burnout and leaves little time for strategic reflection on both analysis and operations—potentially leading to missed opportunities.** Employees told us

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that they deal with the situation by working extra hours and frequently they **have time for only the most essential tasks**. Center officers noted that **management is sensitive to this issue**. **Without more personnel, however, the OIG accepts that CTC has limited options to deal with this work environment**; the center is nearly fully staffed and crises are part of the nature of the target.

~~(S//NF)~~ CTC also must cope with information overload, frequently resulting from successful operations against terrorist cells. Most Center interviewees who had an opinion gave mixed reviews of CTC's ability to effectively exploit the data the Center collects. They generally believed that the Center **does its best to scope, scan, and prioritize information for immediate action**. Some officers acknowledged, however, that the demands placed on CTC do not allow it to exploit all the information it collects. As a consequence, **the risk exists that a potential warning will go unidentified**. Once again, the OIG recognizes that CTC has **limited options in dealing with this issue...** (Emphasis added.)

These conclusions were not surprising to those of us who worked in the Center. Just as important, however, is the fact that in August 2001 the OIG did not recommend the Agency take any action to deal with these well-known workplace stresses. There is no/no recommendation for increased staffing in the 2001 IG report. This undoubtedly reflected the IG's contemporaneous understanding that the Agency was stretched thin after the reductions of the 1990s and that there was not much prospect that CTC was going to be given additional resources from elsewhere within the Agency. We had to "play the hand we were dealt," and the August 2001 OIG report indicates we were doing the best we could under the circumstances

- That said, for completeness, we point out that in summer 2001 CTC was working on a formal proposal to expand the center, although we did not expect that significant additional personnel would be forthcoming in response to this initiative based on responses to earlier, informal requests for additional resources.
- It is also worth noting that the data selected by the IG that led it to reach its conclusion that we only "perceived" that we carried a heavy workload is seriously flawed. Our review is, of course, limited by not having access to the data used by the IG. Although data problems are described in individual responses, a couple of examples are worth noting here:

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- o One of the time periods examined by the current IG draft (March 2000) probably biases the data on hours worked downward. In March 2000, most people were coming off a 24/7 surge for the Millennium Threat. Consequently, March was a time when people were catching up after a crisis that had kept them here around the clock during the Millennium Threat, and they were still putting in an average of 9.5 hours per day, according to IG badge data. We would need to see, however, the data behind the IG conclusions and compare it to other time periods to adequately respond to this specific item because the hours do seem low.
- o We also question the IG data for cable traffic. As noted in one of the individual responses, we could not duplicate the IG data based on our searches. Our data shows double the amount of cable traffic, compared to the numbers cited in the IG draft report. We also dispute the use of cable traffic as a measure of workload. ~~(S)~~

As a result of the nature and extent of CTC's workload and the limited resources available, we were often forced to conduct triage on incoming leads, cases, and lines of analysis, as acknowledged in the 2001 IG report. ~~(S/NF)~~

B. Resources. The central factor contributing to the stressful workload environment described in the 2001 IG report--and well known to everyone in the Center--involved funding and staffing.

- On the funding front, CTC had witnessed growth in its base budget through FY1998. Beginning with FY99, after the East Africa bombings, however, supplemental funding heavily influenced the CTC budget. When the Center was also experiencing a growing mission. Funding shortfalls developed in the lean years and produced a "stop-and-go" problem that undermined our approach to building a consistent program. Indeed, after the Millennium Threat surge, the entire CTC management chain was forced to spend a great deal of its time trying to cut non-personal services by about 25 percent to bring expenditures in line with budget realities. DC/CTC met with each group during early 2000 to look for programs and other expenditures that could be delayed or cut. These were not just internal issues. We were faced with pressure from the NSC to maintain our operational tempo without adequate funding; at one point the NSC staff even "encouraged" us to use personal services money to fund operations, which our budget office informed us would potentially violate provisions of the Anti-Deficiency Act. Supplemental funding was not available until August 2000, despite promises from the NSC staff. Funding discussions consumed a great deal of time for CTC management, taking place at about the same time the Center would have been

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attempting to follow up on leads emerging from the Millennium period, including those that emerged out of the Malaysia meeting.

- On the personnel front, the Center attempted to balance operational and analytical demands with the skills and expertise it had available to it during a period when the entire Agency was understaffed. Again, the 2001 IG report acknowledges this issue, reports on initiatives underway within the Center to cope with it, and makes some suggestions as to further improvements. The report on page 45 concludes:
 - "CTC has limited options for dealing with this perceived personnel shortage. . . .Center employees are managing this perceived shortage in a way that leaves many vulnerable to burnout and allows little time for strategic work. Personnel regularly work extra hours and are only able to perform what they perceive to be the essential tasks. One manager commented that the demand on the staff means that they go from crisis to crisis and are not able to look at trends or more long-range issues to get ahead of the terrorists."

~~(S)~~

What does all of this say about the environment in the years leading up to the attacks of 9/11? That there was widespread recognition within the Center, the OIG, and the Agency of funding and staffing concerns, but that the environment did not allow for significant change. Certainly, neither funding nor staffing levels were within the control of CTC management. Other Agency programs had already been cut to the bone, and CTC was widely viewed as having been relatively protected from the cuts of the 1990s. Even within the Center, the 2001 IG report on page 45 acknowledges we had tried to move resources to work the al-Qa'ida target without gutting other key CT programs. ~~(S)~~

Finally, the draft IG report is schizophrenic. It accuses some officers of not having provided or obtained adequate resources for the Center to conduct its mission. At the same time, it claims that other officers had sufficient resources, if only they had utilized them more effectively. ~~(U)~~

C. August 2001 IG Report. It is worth noting the contradictions between the 2001 IG report on CTC and the current draft IG report. The conclusions are so strikingly different that any comparison clearly points out how big a role hindsight plays in criticizing the actions of CTC officers from the vantage point of 2005. On three broad issues covered in the current draft, the 2001 IG report reaches fundamentally different conclusions. These three charges lie behind most of the recommendations for accountability boards:

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- The current draft criticizes and recommends accountability boards for nearly every CTC manager in the chain of command dealing with al-Qa'ida issues. Yet the 2001 report on page iii of the Executive Highlights concluded: "The DCI Counterterrorist Center is a well-managed component that successfully carries out the Agency's counterterrorist responsibilities to collect and analyze intelligence on international terrorism and to undermine the capabilities of terrorist groups."
- As noted above, the 2001 report concludes that CTC officers worked in a stressful and often crisis-driven environment amidst strong demands from policymakers and senior Agency officials that prevented the organization from exploiting all of the information it collected and that forced officers to prioritize their actions based on short-term demands. And, most importantly, that CTC had few options to address these issues. Yet the current draft claims that units within CTC were either adequately staffed, not overworked, or could have been reinforced by scaling back work that the IG now retrospectively claims was unproductive or not related to al-Qa'ida. We fundamentally disagree with the IG view that "continued emphasis on terror groups other than al-Qa'ida raises questions". CTC was charged with conducting collection, analysis, and operations against international terrorism, not just al-Qa'ida. Not only were we dealing with the threat to US interests posed by these other groups, but also the policy community was and is concerned about more than just al-Qa'ida. They expected and demanded that we work these issues. This is especially true with respect to Hizballah, which prior to 9/11 had killed more Americans than any terrorist group. But even smaller groups, such as the [] posed threats to US interests: Renditions Branch helped capture and render [] This capture was a key event []
[] Even today the CIA does not have the luxury of devoting all of CTC's resources to just al-Qa'ida. Unless the IG intends to recommend that Agency management stop doing these things now, this criticism is absurd and a red herring.
- The current draft report also claims that the analytic cadre was large and experienced enough to have produced more and better strategic analysis. But, the 2001 report at page 27 acknowledges that: "AIG management is aware of the relative inexperience of the analyst cadre and the time pressure. [] noted that the cadre is relatively junior, and some lack the experience to conduct sophisticated long-term analysis." And on page iv of the Executive Highlights, the IG notes that "Customers describe CTC as the leading source of expertise on terrorism... (but) worry that Center analysts do not have the time to spot trends or to knit together the threads from the flood of information." (S//NF)

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Ultimately, the 2001 IG report made only three recommendations—to develop a written strategy for the [], to develop a plan for the Language Exploitation Branch to address workflow and morale issues, and to prepare detailed, written career guidance for each discrete CTC home-based occupation. None of these three recommendations changed any of the conditions over which the Center is now being criticized. Although there were other suggestions made, most fell into areas where CTC was already working to address problems or fell outside our ability to influence the outcomes, as implicitly acknowledged in the 2001 IG report. ~~(S)~~

Hindsight should not drive the conclusions of a review like this one. The current draft IG report is clearly written from a perspective that ignores the realities of the time and tries to blame individuals for systemic issues that were well beyond their control. It is clear there were systemic issues at work here that went beyond what CTC or even CIA could control, and that these issues were either not recognized at the time or were uncorrectable in that environment. They were not, however, individual failings. ~~(U)~~

III. Key Issues

A. Watchlisting & Passing Intelligence to the FBI

These two topics are frequently treated as part of one issue, when they are, in fact, distinct. ~~(U)~~

(1.) Watchlisting—the Visa Viper Program. This was a systemic issue for the USG, not one associated with one or two individuals or units within CIA or CTC. For CIA, per long established guidance as promulgated regularly in [] flagging individuals for watchlisting was primarily a field function. The [] instructed the stations [] either to flag the individuals locally, []

[] Although UBL was a “virtual” station, it obviously did not have a corresponding Embassy/Consulate to work with on Visa Viper-related issues, it functioned as a Headquarters element, not a Station. ~~(S)~~

The Visa Viper function was a dialogue between the field recipient of information meeting watchlisting thresholds, and either the [] consular office or CTC/RR. A survey of queries from Field Stations (sample from [] in May 1999 is attached, as is the CTC/RR response) in 1999 about watchlisting procedures indicates that there was a regular dialogue between the field and CTC Reports over the Visa Viper watchlisting function. As noted by one of the former Chiefs of CTC, the Center sent out [] to all Stations and Bases explaining the importance of the Visa Viper program and providing instructions on how to

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support the program. As he recalls, the language in these cables was painstakingly negotiated with State Department. Visa Viper reporting channels explicitly did not include Headquarters-based targeting officers or operations managers. Headquarters served as an informal backstop for the field on this program. The 2001 IG report makes no recommendations on the Visa Viper system. Further, because all of this involved a nomination process for a program that CIA did not control, responsibility was diffuse. After 9/11, Tiger Teams were established to improve the program. To attach responsibility to one or two individuals is to hold them inappropriately responsible for a system no one could individually control. ~~(S)~~

(2.) Sharing intelligence with the FBI. Passing information to the FBI on al-Mihdhar and al-Hazmi is an entirely separate issue from the Visa Viper program. The written record indicates the CIA passed, at least informally, the relevant information to the Bureau. Travel information was disseminated by [] to the FBI and the Bureau was clearly briefed on the results of []. In addition, a number of FBI officers—in the Center and at the Bureau—were clearly aware of the information. At most, CTC can be faulted for not following through with a formal CIR on al-Mihdhar's visa. This would have left an official record of the information passed to the FBI, although we believe copies were informally sent to the Bureau. But, again, CTC clearly intended to share the information with the Bureau, did in fact share information, and did not purposefully withhold anything. ~~(S)~~

B. Strategic Analysis

Two key points that are lost in the lengthy IG discussion of strategic analysis are worth noting in order to present a balanced understanding of this issue. ~~(U)~~

- **Was there a way to realistically do more without the commitment of additional resources?** The current IG report indicates that CTC should have produced more strategic analysis. The management chain and most of the analysts all wanted to produce more strategic analysis. Indeed, at one point in the August 2001 IG report states at page 24: "... some of the more senior analysts cited their disappointment at perceptions that management was attempting to emphasize long-term research at the expense of support to operations because they had been attracted to CTC by the opportunity to undertake nontraditional analysis." The problem was inadequate resources. Even in the resource-constrained environment of the time, the current IG draft report clearly indicates that AIG produced several strategic analytic pieces every year in the runup to 9/11.
- **Did any key policymaker not understand the serious nature of the threat?** Regardless of the number of formal analytic pieces produced, there is no indication that policymakers and others were not informed of

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the seriousness of the threat. Policymaker understanding of the threat rather than the quantity of research papers completed is the best measure of whether "enough" analysis was produced. Perhaps the best indication of senior policymaker understanding is embedded in the Memoranda of Notification providing the Agency with its covert action authorities for dealing with UBL and al-Qa'ida. Many of the MONs include a threat assessment. But more importantly, the fact that policymakers clearly recognized the seriousness of the threat is demonstrated by the nature of the extraordinary authorities the CIA was granted after 1998. Indeed, based on testimony in front of the 9/11 Commission, policymakers claim to have given us far more authority than a strict reading of the MONs would justify. Not once did any senior official indicate that they held back because they did not understand or view the threat seriously. Line 827 of the current IG draft says: "the team's review confirms that CIA kept senior policy makers aware of the threat." Traditional research papers are only one way of conveying intelligence. On this topic, multiple approaches were used that ranged from classified briefings for senior officials via the NSC-chaired CSG, to briefings on the Hill, to unclassified testimony by the DCI during his annual Worldwide Threat Briefings. It is not at all clear what standard the IG is using to decide that we did not produce "enough" strategic analysis. With the resources then available, CTC concentrated on producing analysis that would not only inform, but also lead to action.

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In any event, the implicit belief expressed by the IG draft that the shortfall in strategic analysis—as defined by the IG—was somehow a material failing is belied by history. Strategic analysis can help people understand a problem; but it is clear the policymakers within the government, by their own admission, already understood the nature of the threat. Strategic analysis is not a substitute for tactical analytic and operational actions to prevent an attack. And, as demonstrated by the 1995 NIE and the 1997 update, warnings drawn solely from logical analytical conclusions—in this case about the threat to civil aviation in the United States—do not usually convince anyone to spend large sums of money to counter a threat that has not been documented. ~~(U)~~

C. Khalid Shaykh Muhammad (KSM).

The IG charges with respect to KSM are perplexing. With the benefit of much hindsight the IG draft claims that analysts and operators should have recognized KSM's links to al-Qa'ida earlier and more clearly. These connections were simply not as clear as the IG implies prior to our debriefings of KSM after his capture. Even then, the picture that emerges is not completely consistent with the one painted by the IG. On top of this, however, the IG report does not present a credible scenario as to the implications of our limited understanding of the role played by KSM.

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- KSM was already indicted and being pursued by the Renditions Branch within CTC. On this point the IG reports ignores USG policy issues. Law enforcement was a key component—some would argue the key component—of USG counterterrorist policy prior to 9/11. We were implementers of USG policy, and as such were pursuing KSM within the bounds of that policy. In fact, the main reason for having a Renditions Branch within CTC was to provide support to the law enforcement community in implementing USG policy. The Branch served as a key focal point for interaction with the FBI.
- Our pursuit would not somehow have been made successful by this last linkage. It is not as if CTC did not capture and render KSM because we were not able to document his role in al-Qa'ida beginning in the late 1990s. Indeed, debriefs of KSM [] clearly indicate that the CTC view of his role in al-Qa'ida throughout the 1990s was largely accurate. In the mid-1990s, KSM decided that he was not interested in becoming a member of AQ, and it was not until after 1997 that his contacts brought him closer to AQ. Even then because of a personal dislike for Sayf al-'Adl, KSM limited his linkages to work for Muhammad Atif. It was not until KSM relocated to Qandahar in 1999 that his role within AQ grew beyond his fairly autonomous connections with Atif.
- Assigning the hunt for KSM to the Renditions Branch was also a logical way to share the workload within CTC. Yet the IG draft claims that this was a mistake and that an already overworked UBL unit should have been given primacy. (~~S~~ [] ~~NOFORN~~ [])

Overall, the IG's emphasis on KSM is in part like a "red herring" borne of 20/20 hindsight. (~~U~~)

D. Management (Coordination & Cooperation).

The current IG draft criticizes the interaction between CTC and regional divisions, especially NE Division. These criticisms are an exaggeration of the constructive tensions that have always, and will always, exist between functional and regional organizations. Again, the 2001 IG report presents a completely different picture of these interactions. Although it acknowledges differences, it documents that about two-thirds of field officers praised CTC (on page 13), 70 percent of Headquarters officers were satisfied with their interaction with CTC, and 78 percent rated the overall quality of the work relationship as good or excellent (on page 16). On top of this, senior management worked closely together to deal with any issues that arose on an almost daily basis. The current IG draft does not take into account all of the communications that took place on a regular basis: meetings, phone calls, and perhaps most important, countless ad hoc

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informal exchanges. Criticism of management on this issue seems like another red herring. ~~(S)~~

E. Liaison Relationships and []

The draft OIG report notes that CTC struck a balance between liaison and unilateral operations, especially after mid 1999 when CTC management began an initiative to boost unilateral reporting []

[] This context is critical in understanding CTC's overall liaison program, especially against al-Qa'ida. The focal point for all CT liaison efforts rested with the individual chiefs of station and the specific station; CTC aimed to complement these liaison efforts through a variety of means, [] **where they were deemed likely to be effective.** Many factors played into the decision about how to achieve operational liaison objectives and, thus, where to place [] And, often, CTC decided to leverage liaison using means other than a [] the OIG ignores or fails to appreciate the many nuances of CTC's liaison operations. ~~(S//NF)~~

The draft OIG report specifically states that: "The [] was neither systematic nor focused on developing liaison service capabilities [] against CTC's principal threat—al-Qa'ida—prior to 9/11." Regarding [] the al-Qa'ida sanctuary in Afghanistan, [] because CTC accurately judged that other liaison efforts would be more effective, and the IG's report points to nothing that disproves CTC's judgment--only supposition. ~~(S//NF)~~

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Moreover, our focus was on Afghanistan, []

- CTC, [] opted to focus on a sophisticated and highly productive []
- []
- These and other efforts, underscored by multiple trips of senior CIA officers to the area (to include DCI, C/CTC, DC/CTC [] prior to 9/11, led to robust FI collection []

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[redacted] US Special Forces into Afghanistan after 9/11. For the IG to conclude that CTC failed because it is to ignore political context, operational reality, and ultimately the success of a robust liaison effort. CTC should be lauded for this liaison program. ~~(S//NF)~~

The OIG draft report.

[redacted] the CIA built and managed a superior unilateral foreign intelligence and covert action program. Again, CTC's judgment [redacted] in retrospect, exactly on the mark. ~~(S//NF)~~

The OIG draft report also questions why CTC did not honor [redacted] Circa August 2000, two months prior to al-Qa'ida's attack on the USS Cole, [redacted] chided a senior CTC officer about "America's creation of UBL...and how Saudi Arabia had no responsibility in this matter." Even as late as the summer of 2001, the Saudis insisted to DC/CTC that they had everything under control inside the Kingdom and did not need our help. Pre-911 this was a USG problem.

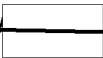
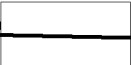
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Finally, the OIG draft report states that the [redacted] Yet, the OIG report does not address resources available [redacted]

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J. Cofer Black
Former Chief, CTC

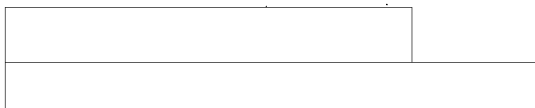
Ben L. Bonk
Former Deputy Chief, CTC

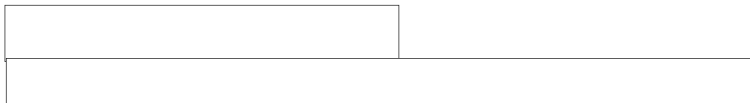
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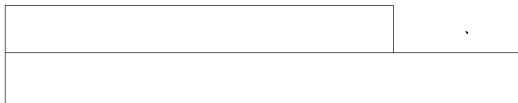


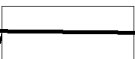










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Finally, the former CTC front office wants to re-emphasize that we were responsible for the activities of the Center under our watch. We believe it is not appropriate for more junior officers to be held responsible for conditions over which they had no control. All of the undersigned believe that the Center admirably discharged its responsibilities even under the constraints under which it was operating. If we were not always successful, it was not for want of trying or dedication to the mission. We are proud to have served with our fellow officers on the front line in the war against terrorism during this difficult and stressful period. There was no more expert and determined group of individuals anywhere than those who labored in anonymity within CTC to protect our country and our fellow citizens. CTC's capabilities are clearly demonstrated by the long-series of operations and analyses conducted by the Center that set the stage for the USG response to the 9/11 attacks, and perhaps more dramatically by the success achieved when previous restrictions and resource constraints were removed. The country and we owe a debt of gratitude to those who gave of themselves before and after 9/11 to fight the terrorists who plot attacks against America. It was an honor to serve with them. (U)

J. Cofer Black
Former Chief, CTC

Ben L. Bonk
Former Deputy Chief, CTC

Henry A. Crumpton

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George J. Tenet

Response to Inspector General's 9/11 Accountability
Final Draft Report

June 9, 2005

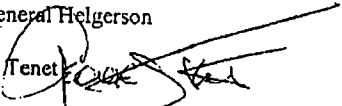
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Memorandum

To: Inspector General Helgerson

June 9, 2005

From: George J. Tenet 

Subject: Final Draft of 9/11 Accountability Report

For the first time I have been permitted to read the full IG draft report, and the standard of judgment being applied. I am accused of not devoting professionalism, skill and diligence in countering terrorism as DCI. I object to and reject these accusations.

In my previous submission to you, I presented detailed information to respond to that draft report's unsupportable conclusions. I incorporate my February 20, 2005 submission in this response.

After reading the final draft report, it is clear that the material I previously submitted has had no impact on a draft report that continues to mischaracterize my actions and ignores the context in which I served as DCI from 1997 through 2001 to deal with the threat posed by al-Qa'ida.

Your final draft cannot stand as a legitimate assessment of my performance against al-Qa'ida before September 11, 2001. You have failed to seek information from those officials outside CIA who were most intimately involved with me in dealing with terrorism. Instead of gathering information from such officials to enlighten and provide context to your report, you instead chose to speculate. In the most egregious example of this, your report states that policy makers were not able to realize the full advantage of their intelligence capabilities and that a more comprehensive approach could have resulted in a more complete understanding and magnitude of the threat prompting a consensus within the Government to move against Bin Ladin earlier and more aggressively than it did.

Yet, your report fails to support such an assertion. It contains no information from any of the senior policy makers I worked with (often on a daily basis during periods of intense threat) in either the Clinton or Bush Administrations. There is not one shred of evidence in your report that suggests that these officials did not understand the urgency and magnitude of the threat, or that they failed to take action in response. In fact the sworn testimony of these officials before the 9/11 Commission and other bodies shows that they certainly understood the threat. Yet your report provides no facts or evaluation of my interactions with two National Security Advisors, two Secretaries of Defense and their Deputies, two Secretaries of State and their Deputies, two Attorneys General, the interagency lawyers who drafted covert action Findings, NSC senior director Richard Clarke, and former FBI Director Freeh and his counterterrorism deputies. Your report fails to provide information about my participation in NSC Deputies and Principals

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meetings in either Administration, or about my weekly meetings with NSC Advisor Berger and NSC Advisor Rice and their deputies.

To assert that policymakers would have formed a consensus to move against Bin Ladin earlier and more aggressively is irresponsible without supporting evidence. The Clinton Administration chose not to invade Afghanistan, and the Bush Administration took until September 2001 to expand covert action authorities shortly before the September 11 attacks. Your report basically asserts that one or both of these key decisions would have been made differently if the DCI and US intelligence had warned or informed of the magnitude of the threat differently. There is not one statement from any senior policy official in either Administration to support such an unfounded assertion.

I know directly how the Clinton Administration reacted after the East Africa bombings, and during the Millennium threat period, and after the USS Cole was attacked. At one point I informed President Clinton directly to expect from five to fifteen attacks against United States' interests. I directly interacted with NSC Advisor Berger, Senior Director Clarke and Director Freeh during the Millennium threat period on a daily basis. Afterwards, Berger commissioned an after action review of the actions taken to respond to the threat. Neither he nor any other senior official involved in countering terrorism were ignorant of either the threat or the challenge posed by al-Qa'ida. Proof of this is found in the specific covert action Findings developed by CIA working with NSC officials. The threat is carefully set forth in each of those documents, as is the increasingly aggressive nature of our responses. These Findings were reviewed, debated and approved by senior policy makers. I had constant interaction with them during NSC meetings, and I assert without fear of contradiction that they fully understood the magnitude of the threat and were taking the policy actions they felt were available to them at the time.

The incoming Bush Administration was briefed on all counterterrorism covert action Findings in January 2001. In addition, they were presented with specific policy and budgetary choices in a memorandum provided to the National Security Advisor by Richard Clarke on January 25, 2001. Clarke specifically articulated the threat posed by al-Qa'ida and he stated that the NSA and CIA made collection against the al-Qa'ida network a priority requirement with higher priority given only to support of ongoing military operations.

On July 10, 2001, I personally led a team to brief the National Security Advisor on the threat posed by al-Qa'ida and I discussed with her and Richard Clarke strategies to take offensive action against Bin Ladin. Throughout the summer of 2001, we produced written assessments of the threat, and the DDCI attended a series of Deputies meetings at the NSC in which options were discussed. But your report provides absolutely no understanding of any actions taken by me or others during either Administration to work directly with those in our Government who were dealing with terrorism. You never examined our interactions with Richard Clarke's CSG process in the White House, which

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drove counterterrorism actions throughout the Government. You did not learn from either Dr. Rice or from Richard Clarke that I directly intervened in the summer of 2001 to urge that Clarke return as chair of the CSG to insure that the Government was taking all necessary steps to respond to the threat as described by American intelligence.

While your report makes no reference to Clarke's effective CSG efforts, it makes only passing acknowledgment that the most effective interagency effort against Bin Ladin was that of the ADCI for Collection who, from the early months of 1998 to September 11, worked with representatives of several intelligence agencies to stimulate collection. I agree that Mr. Allen's efforts were important and represented a critical, coordinated activity of the Intelligence Community. But what astounds me is that your report fails to acknowledge that the ADCI for Collection acted at my direction as DCI. I am informed that the IG team never interviewed Mr. Allen and therefore certainly never evaluated his interactions with me.

The Intelligence Community at my direction through the ADCI for Collection marshaled its resources to enhance its collection against al-Qa'ida before September 11. I interacted with Mr. Allen constantly, urging him to drive the Community's collectors as hard as possible. He used my December 1998 memorandum as leverage in bringing the collectors together and refining collection strategies across the Community. Mr. Allen communicated with me directly about these efforts, and I have attached at Tab A number of his update memorandums in response to my memorandum, to show the extent of the Community's active engagement. I provided Mr. Allen steady and direct feedback and pushed him to accelerate his efforts. Instead of acknowledging my efforts in this regard, your report discusses who attended what meetings, and whether my December 1998 memorandum was properly disseminated. The facts are that Mr. Allen attended my UBL update meetings, and I was driving the collectors in the Intelligence Community aggressively against the al-Qa'ida target through him.

There is no analysis in your report regarding the quality of our collection efforts, or the magnitude of the collection resources and people involved across the Intelligence Community as a result of the direction I provided to Mr. Allen or even an assessment of what was not done in terms of collection. You never discussed these efforts with Community program managers to assess my performance as DCI. Rather you opine that I did not do enough to marshal the community's resources.

Your report suggests that the leaders of the Community were not fully aware of the priority they should have given to counterterrorism, because, in some instances a program manager did not recall receiving my December 1998 memorandum. This is nonsense. Read the update memorandums Mr. Allen sent to me. You will understand that the Community collectors were actively pursuing the terrorist target.

Do you actually believe that the Director of NSA was not fully aware of the significance of that kind of action? And program managers testified with me before the authorizing and appropriations committees each year during our annual budget presentations. They heard and supported the priorities we were budgeting against and

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understood full well the importance I attached to countering terrorism. But your report fails to describe what the program managers knew or the role the ADCI for Collection was playing on my behalf because you did not seek information from the Director of NSA, the Director of NIMA, the Director of DIA or the Director and Acting Director of the FBI. Without gathering facts about my work with these officials or their agencies, your report accuses me of not performing my duties as DCI with skill, professionalism and diligence.

Your report also continues to ignore how the National collection agencies worked with the Chief, Deputy Chief and Chief of Operations of CTC to insure that the actions of the Intelligence Community actively supported the Plan CTC put in place in 1999. Instead, your report continues to dismiss the 1999 Plan as merely tactical and operational. It was not. It was our blueprint for attacking al-Qa'ida as vigorously as possible using the collection and operational elements of the Community. Certainly our actions to implement the Plan were focused through CTC. That is because CTC served my Community interests as DCI. This fact was noted positively in the August 2001 IG inspection report of CTC:

"CTC fulfills interagency responsibilities for the DCI by coordinating national intelligence, providing warning and *promoting the effective use of Intelligence Community resources on terrorism issues.*" [Emphasis supplied.]

With regard to resources, you have chosen to largely ignore my previous submission which attempted to put in context the fiscal environment in which the Community was operating and which explained the decisions I made to rebuild the CIA and Community beginning in 1998. Despite the fact that we made specific decisions to triple NFIP funding in counterterrorism as a percentage of the Community's budget during the decade of the 1990s when the NFIP declined by 10 percent in real terms, or the fact that CIA counterterrorism resources quadrupled in the same period, I continue to be accused of not marshaling sufficient resources for counterterrorism. Yet, your report fails to explain what the proper level of resources should have been. By what standard am I now being judged? What additional resources were available from other programs to apply to counterterrorism?

I must also correct your mischaracterization of my earlier submission. On line 4128, the report states that "a meaningful strategy could not be developed to deal with any threats unless the CIA or the Community as a whole were rebuilt and given new direction." I made no such statement or suggestion. Rebuilding capabilities of the CIA, including recruiting and training case officers, and developing new overhead collection systems takes years, and is still ongoing. I never implied in my previous response that I had to wait for the rebuilding to be complete before moving against key targets like terrorism. We had no choice but to work against priority targets and, at the same time, rebuild the CIA, recapitalize overhead systems and fund NSA's transformation.

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In making the decisions necessary to rebuild the Intelligence Community, I also made decisions not to subject the Community to numerous transfers and reprogramming requests that would have disrupted ongoing programmatic initiatives, involved protracted negotiations with the Department of Defense and OMB, and the staffs of six congressional committees. While we did reprogram some funds to deal with urgent gaps, I felt it was important to maintain sustained funding in our rebuilding effort.

There is no meaningful discussion in your report of our budget submissions, our over guidance packages, or our urgent supplemental requests to OMB. Nor is there any discussion of how I aggressively sought more money at every turn. In fact I went outside of established channels to work with Speaker Gingrich when he offered to provide what became the largest infusion of supplemental funding we received before the Bush Administration came into office. I was criticized directly at the highest levels within the Administration for this action. Yet, in your report I am accused of not being diligent or skillful in marshaling sufficient resources for counterterrorism.

With regard to warnings provided to senior policy makers and the President before September 11, your report claims that "the volume of other reporting in the PDB was such that the impact of these warnings *could have been diluted*." [Emphasis supplied.] What information did you gather from PDB recipients to support this speculation? There was no "dilution" of the warnings we gave to senior policy makers. In fact, in the summer of 2001 some PDB readers, who were obviously paying close attention to our assessments, suggested that Bin Ladin might be engaged in a disinformation campaign. We produced an assessment of this possibility [redacted] In addition, I personally briefed the President in July 2001 during a PDB session, when other senior policy makers were present. But, to stress the point again, you have presented no information from any senior policy maker to permit you to make any judgments about our warnings or assessments. And, before making any assertions about my skill, diligence or professionalism, your team should review the briefing materials I used in the briefing to NSC Advisor Rice, the President and other senior officials in July 2001.

In terms of actions taken by policy makers to respond to the threat, your report is simply in error in discussing the December 24, 1998 MON. Contrary to the "judgment" on page 265, the language of the MON did not "cross a threshold" to authorize killing Bin Ladin through more "broadly defined offensive lethal operations" than had previously been authorized. Your report cites instructions "sent by the DCI" to the field wherein I allegedly "gave prominence to the need for a capture operation as a vehicle for a lethal operation" and in which I allegedly "emphasize[d] the importance of conducting a capture operation in any lethal assault without communicating the MON's ambiguous formulations on what might be permissible." The clear implication of your report is that, for reasons unknown, I authored instructions to misinform the field that Bin Ladin could be killed without the predicate of a capture operation.

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First, I did not author the instructions to the field, nor did I direct those who did, to "give prominence" or "emphasize" any provision of the MON. In fact, the instructions were developed by the NSC in coordination with the Attorney General of the United States, and the Agency transmitted them to the field. The instructions made clear the Government's policy preference was to capture Bin Ladin and his principal lieutenants and render them to the United States.

Secondly, the Chief of CTC and I met with the Attorney General of the United States to discuss operations against Bin Ladin. It was absolutely clear to me that the Attorney General would only contemplate lethal action against Bin Ladin and his lieutenants in the context of capture and rendition operations. But, again, your report reflects no information from the Attorney General or other principals directly involved in reviewing and approving MONs against Bin Ladin. Instead your report incorrectly "suggests" that the MON represented something new with respect to lethal authority. There was no new ground broken with this MON. The instructions to the field were authorized by the President and the NSC, and they clearly state, in pertinent part¹:

-- The US Government prefers that Bin Ladin and his principal lieutenants be captured.

-- If a successful capture operation is not feasible, the plfdtrodpints may undertake offensive operations to kill Bin Ladin with his principal lieutenants."

Finally, I am struck by the apparent suggestion in an Inspector General's report that in "authoring"² instructions about the use of lethal force I should have encouraged the field to take advantage of the "MON's ambiguous formulations on what might be permissible." I knew full well what was permissible: lethal action against Bin Ladin in the context of capture and rendition operations. I would never sanction the field taking advantage of ambiguities to do what I knew was not authorized.

In terms of setting priorities for national intelligence, your report accuses me of not using "my influence" within the White House to change or modify priorities. The President of the United States establishes priorities for intelligence. But beyond this fact, there is an underlying assumption in your report: that without a Presidential Decision Directive being issued, senior policy makers and the leaders of the Intelligence Community were ignorant that countering terrorism was a key priority of the Intelligence Community. As I have repeatedly tried to explain, the principals in our Government and the leaders of the Community did not need a directive to tell them that we had to deal with al-Qa'ida. Clinton Administration leaders lived through the East Africa embassy bombings, the Millennium threat period and the attack against the USS Cole. Richard Clarke was driving the Government's efforts against terrorism with the full support of the President and his National Security Advisor. I was driving the Community to collect as

¹ I have attached the MON, together with the instructions authorized by the President.

² The report personalizes to me actions I did not take: "The DCI wrote..." "...the DCI gave prominence to" "He then inserted into the instructions...." This language is inaccurate, inappropriate and should be stricken from your draft report.

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aggressively as possible so that we could be in a better position to warn, inform and take action where possible. I worked directly and closely with Director Freeh and his counterterrorism team. Principals met and approved covert action proposals, and fully understood the threats that required them. So, through direct contact and action, the leaders of our Government and our Community were taking measures to deal with the threat as best we could.

Priorities against terrorism were also reinforced through our annual budget submissions. Terrorism was always a top priority before September 11. My testimony before Congress, supported by the testimony of Community program managers, attests to this.

In terms of realigning CIA priorities, your report is critical that my guidance was issued in January 2002. I frankly do not understand the criticism. Before September 11, CIA priorities against terrorism were clear, and we were funding our efforts as best we could with the money made available by Congress. After September 11, CTC grew [redacted] CIA was fighting the war in Afghanistan with the US military. The magnitude of our focus on terrorism almost eliminated other Agency programs, such as counter-narcotics. Analysts were being pulled from all accounts to support CTC's efforts. The Office of Transnational Analysis grew [redacted] Senior policy makers, led by the President of the United States had one overriding priority: fighting the war on terror. In January 2002, I realigned CIA to recognize this reality.

Other Errors

Other errors in your report need to be corrected. For example, on line 10396, the report states that in the period after the Cole attack, the NSC expressed dissatisfaction with the CIA because of its inability to stop such incidents [redacted] and according to information Dick Clarke provided to the 9/11 Commission, Sandy Berger "upbraided Tenet so sharply .. that it led Tenet to walk out of a Principals Committee meeting." This rendition is not correct. I walked out of the meeting because principals were complaining about a piece of intelligence which they claimed they had not seen when in fact the item in question had been provided to them the day before. My reaction had absolutely nothing to do with [redacted] the Cole.³ Simple courtesy would have called for you showing me this portion of the report before you produced a final draft.

Another error that needs to be corrected appears on page 288. The report does not properly characterize the position I took in a Principals meeting [redacted]

[redacted] who was in the meeting, can confirm my recollection.

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Concluding Remarks

On September 15, 2001, the Chief of CTC and I presented the President of the United States a strategy to attack al-Qa'ida in its Afghanistan sanctuary and a worldwide plan that covered 92 countries. We could only have made this presentation because CTC and the Intelligence Community had a thorough understanding of our adversary. Our plan was based on actions that we took over a sustained period of time to use the assets of the Community to collect against the target, to develop relationships with key liaison services, to develop networks of assets inside the sanctuary, and to develop innovative technologies to deal with an illusive target.

Our plan was adopted and we were given expanded authorities and significant additional resources by the President to fight the war on terror. Since then, al-Qa'ida's sanctuary has been eliminated in Afghanistan, and the central leadership of al-Qa'ida has been eliminated. The Plan we established in 1999, and the resources we were able to marshal throughout the Community in the budget and political environment in which we had to operate, allowed us to succeed after September 11.

In reflecting on the pertinent elements of my December 1998 memorandum, the facts show:

- (a) That we aggressively engaged all liaison services which had the greatest potential to collect against and disrupt al-Qa'ida's operations around the world, and those services that possessed the capabilities to capture Bin Ladin;
- (b) That as a result of my direction and ADDCI/C Allen's aggressive implementation we pursued every avenue to drive U.S. intelligence to meet CTC's requirements, including all available conventional and special collection methods;
- (c) That there was immediate engagement with Special Operations Command, DoD collection assets and program SAPs;
- (d) That I personally involved the Director of the FBI and his Deputy and gave them full transparency into our efforts;
- (e) That I worked diligently to marshal resources and people in a period of time when the world did not stand still and rebuilding America's intelligence capabilities was essential.

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Your report challenges my professionalism, diligence and skill in leading the men and women of US intelligence in countering terrorism. I take this challenge to my reputation very seriously. I did everything I could to inform, warn and motivate action to prevent harm. Your report does not fairly or accurately portray my actions, or the heroic work of the men and women of the Intelligence Community. Your report is devoid of any information from those in senior policy positions or even within the Intelligence Community who know of my efforts to counter terrorism from 1997 to September 2001. It is simply not fair to make judgments about my performance without having a complete understanding of the facts.

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MEMORANDUM

February 16, 2005

To: Inspector General Helgerson

From: George J. Tenet

In responding to your assessment of my performance as Director of Central Intelligence in the period leading up to the tragedy of September 11, 2001, I must tell you in the strongest possible terms that your report has mischaracterized my leadership of both the Intelligence Community and the CIA with regard to the strategy, plans and actions which I directed to deal with a very difficult problem.

The segment of the report that I read portrays almost no understanding of the resource context in which the Intelligence Community was operating, the programmatic priorities established by me, the obstacles I had to overcome to secure more resources, both dollars and people, to meet all of our highest priorities. The report also shows no understanding of the geopolitical context in which we were operating during the mid to late 1990s, or the requirements to perform against specific intelligence priorities which, as a matter of record, are levied upon US intelligence not by the DCI, as your report suggests, but by the President of the United States, through the National Security Council, as embodied by PDD 35.

The report's characterization of my efforts as solely relying on CIA to combat terrorism is simply wrong. Your characterization of my "forceful" efforts as being only tactical is also wrong. The report distorts the context that I operated in as DCI and as the Director of CIA. The report ignores the strategic choices I had to make in the mid to late 1990s across the board to resuscitate the acquisition of technology and people. It also ignores the significant realignment and counterterrorism strategy that we forcefully put in place in 1999 that benefits the war on terrorism today. Because we developed The Plan in 1999, we were able to respond to the September 2001 attacks by increasing a wide variety of actions already underway, after this Administration provided a needed infusion of funds to carry out those activities. We did not have to go from a standing start to war footing immediately after September 11, because the Intelligence Community was already well engaged.

Our actions with regard to the growing threat of terrorism were strategic, tactical and operational. The senior policy makers most deeply involved in making decisions with regard to terrorism, from the President through the Principals and Deputies Committees of the National Security Council, were intimately knowledgeable about the threat. Our reporting and analysis ensured that this was so.

Even though senior policy makers were intimately familiar with the threat posed by

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terrorism, particularly those in the previous Administration who had responded to major attacks, they never provided us the luxury of either downgrading other high priority requirements we were expected to perform against, or the resource base to build counterterrorism programs with the consistency that we needed before September 11.¹

When I became DCI, my first responsibility was to rebuild the Intelligence Community, in the midst of enormous resource and personnel turmoil, in order to enhance our strategic ability to address the highest priority threats to US security, including, but hardly limited to terrorism. In terms of countering terrorism, I put in place a strategy through the DCI's Counterterrorism Center that was designed to drive the Intelligence Community's collection and operations to penetrate al-Qa'ida's leadership. I recognized that we needed to enhance our ability to warn, analyze, deter and disrupt actions contemplated against US national security interests.

In the resource environment in which we operated, dollars and people devoted to countering terrorism continued to grow while other priority activities remained flat or declined. While your report focuses on resources devoted to the DCI's Counterterrorism Center, it does not appear to take into consideration resources provided to other aspects of our strategy to combat terrorism. My approach included funding provided

to the area divisions of the Directorate of Operations and to the field where the target was located,

to the collection activities of the National Security Agency [REDACTED]

to the expanded work of NIMA (now NGA) [REDACTED]

to fund strategic liaison relationships which provided us access to the al-Qa'ida target that we could not achieve unilaterally.

The Joint Inquiry Committee never took cognizance of the context in which we were operating in the Intelligence Community and blurred the distinction between

¹ In terms of intelligence priorities, your report charges that I made a "strategic error" in not issuing a "formal reprioritization of intelligence priorities" between 1997 and 2001. Your report also finds it "ironic" that I cited PDD 35 in not "halt[ing] completely any collection or analytic coverage" and "the need to maintain global coverage." As DCI, I did not set national intelligence priorities. President Clinton did in issuing PDD 35. I could issue guidance within the constraints of the overall policy, but I could not unilaterally ignore a presidential directive. To the extent I was able to do so, I shifted resources through the budget process to cover as many competing demands as possible. But there was no inclination shown by the NSC in the previous Administration to revisit PDD 35. Given the policy context before September 11, I take exception to your report's assertion that I should have formally reprioritized intelligence "issues" before September 11.

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strategic and tactical decisions. As a result, your report starts from the perspective of conclusions that I believe to be terribly flawed.

To provide an understanding of the context in which we were operating, I am submitting as part of my response, at Tab A, a study prepared earlier at my request entitled "DCI Report: The Rise of UBL and al-Qa'ida and the Intelligence Community Response." It was not reviewed by the Joint Inquiry Committee. I ask that you factor it into your final report as part of my response.

I am also providing, at Tab B, my response to the 9/11 Commission's staff statement #11, and I ask that you review it as part of my response.

December 1998 Memo and My Call for a New Strategic Operational Plan

On the basis of the record, I categorically reject your report's assertion that I was overly focused on CIA's tactical operations against al-Qa'ida at the expense of leading the Community against the target. My efforts drove community-wide collection initiatives (led by the ADCI/C), established the framework for our entire approach against Bin Ladin and al-Qa'ida (embodied in the 1999 Plan), established and nurtured liaison relationships around the world with countries willing to act with us in periods of heightened threat and in advancing our strategic objectives. I know that all these efforts resulted in actions that saved lives. During the Millennium period we launched the largest disruption operations in history both worldwide in cooperation with key foreign services and in the United States in full cooperation with the FBI. Similar disruption operations took place during [redacted] at other critical times. Through my relationships with the leaders of the Intelligence Community, including my strong partnership with FBI Director Freeh, and in my work with foreign liaison partners, I was leading the Intelligence Community.

My memorandum of December 1998 was recognition of the seriousness with which I took the threat posed by Bin Ladin and his organization. It was also recognition on my part that all elements of the Community and CIA needed to do more to penetrate al-Qa'ida.

My concern was never simply a matter of augmenting covert action. Covert action is not successful in the absence of hard foreign intelligence. It was clear to me at the time that while we had been somewhat successful in pursuing a law enforcement approach in battling al-Qa'ida, we did not have adequate SIGINT coverage and did not have enough human penetrations of al-Qa'ida. In my view, the most important strategic message of the memorandum was that we needed more and better basic intelligence. Covert action against Bin Ladin and his key operatives was not possible without it.

I issued the memorandum with the intent of driving new collection and operational

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initiatives. I sent it to my immediate team of senior leaders who were empowered to help the DCI run the Community. CTC was, and is a Community entity, not just as a CIA unit, as your report suggests.

The most important tasking in the memorandum was not, as you suggest, to have the DDCI "chair a group to coordinate the actions proposed above" but rather the tasking to the ADCI/C, Charles Allen: "We need to immediately push the rest of the collection community to make Bin Ladin and his infrastructure our top priority. I want Charlie Allen to immediately chair a meeting with NSA, NIMA, CITO, and others to ensure we are doing everything possible to meet CTC's requirements."

ADCI/C Allen's efforts became the most powerful vehicle at my disposal to energize and focus the entire Community. I most directly disagree with your report's suggestion that Mr. Allen's efforts were ongoing and, in effect, that there was no new initiative in response to my December 1998 memorandum. To the contrary, Mr. Allen took action as a result of my initiative and focused the Community's collection efforts intensely. His work was not routine as your report suggests. In responding to me in December 1998, the ADCI/C advised that collectors had already taken an extraordinary range of steps since the East Africa Embassy bombings and that all collectors were closely working together. But, contrary to the implications in your report, this response was only the beginning. I have enclosed (at Tab C) a summary of the activities pursued by Mr. Allen and the Community's collection cell he established to meet CTC's requirements from all the disciplines. The closing paragraph of that memorandum merits particular emphasis:

"Under the direction of the ADCI/C the Community's collectors pursued an aggressive, integrated, and sustained collection effort to bring bin Ladin to justice and to disrupt and dismantle his al-Qa'ida organization. These efforts, undertaken at a time when intelligence resources were sharply declining and the Community was focusing on other important targets worldwide (China, Russia, North Korea, South Asia, and other terrorist targets like Hizballah), reflected the highest degree of urgency and priority."

An initiative derived from the 1998 memorandum was the creation of CTC's "The Plan" in 1999. It included a strong and focused collection program to gather intelligence and to act against Bin Ladin and his associates in sanctuaries including Sudan, Lebanon, Yemen and, most importantly, Afghanistan.

The Plan was widely briefed within the Intelligence Community, the policy community, and to key foreign liaison partners. It was briefed to this wide audience because it was our strategic approach in attacking Bin Ladin.²

² I take particular exception your report's charge that I issued the December 1998 memorandum but its message was never properly communicated. Your report spends paragraphs detailing who was on distribution of the memo, who did or did not attend meetings, and so forth. The implication of the report is that there was no follow through by me or others and, more offensively, that I simply issued a memorandum as an exercise in venting. The completion of The Plan, which captured key elements of my

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The ADCI/C used The Plan to drive collection activities inside Afghanistan and around the world. He convened frequent meetings of the National Intelligence Collection Board, consisting of the most senior collection managers in the Community, to develop comprehensive strategies to support, in particular, CTC's human operations against al-Qa'ida. He created a dedicated al-Qa'ida cell, which met daily with collection managers from NSA, NIMA, DIA and CIA to bring collection focus on the Afghanistan sanctuary. In addition, he participated in daily meetings with the Executive Director of CIA and senior leaders of CTC, including the Chief, Deputy Chief and Chief of Operations, to ensure that Community-wide collection initiatives were seamlessly integrated with those of CTC.

Following my 1998 memorandum and the 1999 Plan, [REDACTED]

[REDACTED]

I bring to your attention the submissions of NSA, NIMA and FBIS to demonstrate that there were serious initiatives undertaken by the Community before September 11. I was not, as your report suggests, merely focused on CIA activities. In my view, the American Intelligence Community was responding to my strategic and tactical imperatives in attacking al-Qa'ida. Collection imperatives were directed by Mr. Allen's collection cell, as focused by The Plan developed by CTC. NSA and other Community components were focused on al-Qa'ida and Bin Ladin as significant threats requiring our best efforts to combat. As an example, in December 1999, I raised a full alert based primarily on specific HUMINT reporting. As a result, our government's largest ever capture and rendition campaign was initiated. It involved the integration of action by FBI, CIA and foreign partners. [REDACTED]

[REDACTED] Information acquired in early 2002 confirms that a major attack was averted in the 1999-2000 time frame. I raise this to underscore that I was driving the Community to collect more and better foreign intelligence, and we were responding as a Community in preventing attacks and saving lives. I was not simply focused on CIA activities, as your report charges.

December 1998 memorandum, was fully briefed to, among others: The FBI [REDACTED] in September 1999; the National Security Council on September 29, 1999; Richard Clarke on November 15, 1999; National Security Advisor Berger (the executive summary) on November 30, 1999; the NSC Small Group on December 2 and 3, 1999; Lt.Gen. Kennedy on January 4, 2000; Army Vice Chief of Staff Keane on January 31, 2000; General Taylor, State Department Counterterrorism Coordinator on July 1, 2000; former Secretary of State Kissinger, former DCIs Helms and Woolsey, and selected Members of Congress in July 2001. In short, the key officials working on terrorism knew full well what my approach was.

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Another key element of my strategic approach to countering terrorism was leveraging liaison relationships with key partners abroad. While we were developing and implementing a strategic plan to target Afghanistan and other terrorist sanctuaries, the Community also had to deal with periods of enormous threats to the United States: during the Millennium period, the Ramadan 2000 period and the Spring and Summer leading to September 11, 2001. We launched important, robust operations throughout the world using the best intelligence our Community could generate to propel our foreign partners to action. This was not a matter of the DCI simply making phone calls to chiefs of service as your report suggests. Rather, it was a matter of forging strategic partnerships around the world with key services, often through the provision of training and technical assistance, the passage of SIGINT, imagery and analysis that broadened our reach so that when phone calls had to be made, service chiefs would respond to our requests for action.

We identified strategic partnerships we deemed essential. Our placement of Counterterrorism Intelligence Centers (CTICs) was driven by a strategic understanding of the critical access these countries could provide to enhance our operational and technical reach. While resource constraints limited the number of CTICs we could establish before September 11, we were able to increase substantially the number of centers quickly after the attacks because of our previous, successful experience in proving the concept.

At every liaison meeting with a chief of a foreign service that I had in my office or in the field during my travels, I put al-Qa'ida at the top of the agenda. There was nothing "tactical" about my efforts. I had only one overriding objective and that was to increase access for US intelligence to target al-Qa'ida.

There were frustrations to be sure. [REDACTED]

A demonstration of the Community's active engagement against al-Qa'ida before September 11, and my leadership efforts, is a map of Afghanistan on September 10 that I had prepared for congressional testimony (located in a pocket of this binder.) [REDACTED]

[REDACTED] It shows the fruits of working with foreign liaison partners: human and tribal networks working for CIA. We never lost sight of the strategic imperative laid out by CTC in The Plan either as an Agency or as a Community.

Your report does not reflect the reality I lived as Director of Central Intelligence. It

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does not reflect my active engagement, sometimes on a daily basis, with the National Security Advisor, with Richard Clarke and with other members of the national security team.³ It does not reflect my strong, personal relationships with the Directors of NSA, NIMA, DIA and other leaders of the Intelligence Community, and their direct involvement and knowledge about counterterrorism matters. It does not present any cogent characterization of my efforts to develop and nurture key relationships with foreign service chiefs who became essential partners in the war on terror. It does not demonstrate any appreciation of the efforts of Charles Allen's National Intelligence Collection Board and his daily meetings of collection managers and CTC officials.

Nor do the portions of the report I have been allowed to read provide any insight into the accomplishments we achieved against terrorists before September 11. In this regard, I again ask that you review "DCI Report: The Rise of UBL and Al-Qa'ida and the Intelligence Community Response" at Tab A. We, as a Community, disrupted terrorists around the world and prevented the loss of life. We used technology, leveraged foreign partnerships and operated at a feverish pace at critical times against a determined and elusive target. With all my heart I wish we had stopped the attacks of September 11. But I also know that I remained focused on terrorism, not just as head of CIA, but also as leader of a Community in trying to prevent harm.

Resources

The report's discussion of resources is devoid of the strategic context in which I was operating and the geopolitical context faced by the Intelligence Community. Neither my predecessors nor I had the luxury of thinking about one issue alone. Our responsibility was to look to the future, to understand changing technology and practices adopted by our adversaries, and then to provide the strategic guidance necessary to close those gaps.

To restate the facts that guided my strategic approach as DCI: during the 1990s, as a Community, we had lost 25 percent of our people and nearly \$30 billion in investment compared to the 1990 baseline. The rebuilding of the entire Community became my strategic focus, a focus that would benefit our actions against terrorism and the high priority targets established by the President in PDD 35. Key elements in rebuilding the Community included the following:

³ In this regard, your report appears to presume that I was the only official in our government who was responsible for designing a strategy for operating against al-Qa'ida. In fact, National Security Advisor Berger, and at his direction, Richard Clarke, were actively engaged in developing approaches to deal with Bin Ladin. By example, after the Millennium threat period, Sandy Berger called for a full evaluation of the government's counterterrorism posture, including funding. We actively participated in that review. Substantial funding increases were proposed, but none were forthcoming. And, in the final months of the previous Administration, Berger commissioned the development of a strategy to attack al-Qa'ida without regard to funding constraints. DDCI McLaughlin actively worked with CTC in the preparation of the strategy, which was presented in modified form by Richard Clarke to the new Administration shortly after it took office. Your report does not discuss these initiatives and therefore fails to provide important context and understanding of what we were attempting to accomplish.

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- We had to invest in the transformation and rebuilding of NSA to attack the modern communications that terrorists and other adversaries were using.
- We had to invest in a very costly, future imagery architecture to replace aging satellites.
- We had to overhaul our recruitment, training, and deployment strategy in rebuilding the clandestine service, critical to penetrating terrorist cells and other targets.
- We had to invest in analysis by recruiting, training and equipping the best analytic talent we could find.

While we were rebuilding across the board, we ensured that funding for counterterrorism continued to grow. We did this in an environment when both Congress and the Executive Branch embraced the idea that we could surge our resources to deal with emerging intelligence challenges like terrorism, rather than provide us sustained funding.

Your report does not adequately address the context of an Intelligence Community that had to respond to wars in Bosnia and Kosovo, the prospect of war between India and Pakistan, China's military buildup and threat to Taiwan, the requirements of policy makers, particularly in Congress, to pursue narco-traffickers in Central and South America, and numerous other such requirements. Despite all of these stresses, despite the fact that we had effectively been in Chapter 11 as an Intelligence Community, we continued on a path to methodically increase both CIA and Intelligence Community resources and our personnel base devoted to terrorism.

Your report criticizes my efforts to devote sufficient resources to counterterrorism. Yet, nowhere in the portions of the report that I was permitted to read, do you indicate what resources would have been sufficient.

The report fails to recognize my direct efforts, together with those of the DDCI for Community Management, to secure more funding for the Intelligence Community and to make tough reallocation decisions to increase our Community-wide efforts to counter terrorism. Let me provide some facts. In two succeeding years, 1998 and 1999, I wrote to the President of the United States in my capacity as DCI to implore him that we needed more money for US intelligence. In my 5 November 1998 letter I stated: "Specifically, we must sustain the increased intelligence funding levels provided in FY 1999 appropriations acts and emergency supplemental appropriations acts [terrorism]. This will require roughly billion more per year for the intelligence budget above the existing FY2000-2005 budget."

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In my 1999 letter to the President, I asked him to support an increase in national intelligence spending by six percent over projected levels for the fiscal years 2001-2005. In the letter I said: "Our global intelligence reach is slipping and we are rapidly growing deaf and blind. The combination of dramatic technologic change and sophisticated deception techniques used by nations and non-state actors with reason to hide their activities has put the Nation's strategic intelligence advantage in the future at peril. Already, today, we cannot meet critical demands from US policymakers on unfolding crises in some areas of the world." (Copies of my 1998 and 1999 letters to the President are at Tab G.)

In response, we received increments of what I had asked for. OMB only approved [] billion for FY2000 and [] billion for FY2000-2005, with the result that total NFIP funding for FY2000 was lower than FY1999, a year for which we received supplemental appropriations. For FY2001, OMB approved an increase of [] billion and [] billion for FY2001-2006. (We continued to press for additional funds in the 2002 budget and the out-going Administration provided [] million for FY2002. I also worked hard to persuade the in-coming Administration for more funding and we obtained [] million more for FY2002 and over [] million in FY2001 supplementals.) (A summary of pre-September 11 budget decisions is at Tab H.)

In 1999, I went out of Administration channels in responding directly and positively to Speaker of the House Gingrich about his desire to increase our funding. As a result, the Intelligence Community obtained \$1.2 billion in supplemental assistance, [] million of which was targeted against terrorism specifically. I do not want the [] million to be misunderstood: the other money in the Gingrich supplemental was used to fund high cost and high priority items, including technical systems, which focused on multiple targets, including terrorism. I also used this supplemental as an opportunity to begin working within the Administration to increase the overall intelligence budget.

Not only were we living in an environment where we received little in the top line increases we formally requested, but we also had to rely on emergency supplementals to fund certain CIA and Community activities around the world. This made it extremely difficult to build long-term programs, with strategic integrity for our counterterrorism efforts. Funding through supplemental appropriations was a policy decision made by the President through OMB, not by the Director of Central Intelligence.

Regardless of the wisdom of supplementals, when I got such funding for counterterrorism activities in 1997, I internally re-allocated [] million and added [] positions in FY98. We made re-allocations across the community for CCP [] million), CIDP [] million), GDIP [] million) and DOD-FCIP [] million) to sustain the FY97 counterterrorism package approved by the Congress. A total of [] million and [] positions were internally re-aligned within the NFIP budget for counterterrorism activities for the years FY98-05.

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I see nothing in your report to indicate any familiarity with the Joint Intelligence Guidance packages I issued to the Intelligence Community in 1998, 1999, and 2000 to strengthen US intelligence and my specific expectations for the Intelligence Community Program Managers regarding counterterrorism. Indeed, there is no reflection of the document I issued in March 1999, "Director of Central Intelligence Strategic Intent for the United States Intelligence Community," intended to serve as planning guidance for the FY2001 to FY2005 program build. It directed the programs to prepare for five major trends that will challenge the US over the next decade: terrorism was referenced directly in two categories. (A background paper on counterterrorism related NFIP planning and programmatic guidance is at Tab I.)

The facts are that NFIP counterterrorism funding tripled in both dollars and as a percentage of the NFIP during the 1990's, a decade during which the NFIP declined by 10 percent (in inflation adjusted terms), when many competing issues emerged and the Community was faced with the need to fund long deferred modernization programs.

The fact is that the CIA's counterterrorism resources nearly quadrupled in the same time period.

CIA's budget had declined 18 percent in real terms during the decade of the 1990's, and we suffered a loss of 16 percent of our personnel (slightly less than the 25 percent cut for the Intelligence Community as a whole.) Yet in the midst of that stark resource picture, CIA's funding level for counterterrorism just prior to September 11 was more than 50 percent above our FY1997 level.

In the FY2002 budget request submitted prior to September 11, we again sought increases for counterterrorism. During a period of budget stringency, when we were faced with rebuilding Intelligence Community capabilities across the board, we had to make some tough choices. Although resources available for everything else at CIA were going down or staying flat, counterterrorism resources were going up.

With regard to people, as I have noted in testimony, we had the equivalent of 700 officers working counterterrorism in August of 2001 at both Headquarters and in the field. That number does not include the people who were working to penetrate either technically or through human sources a multitude of targets from which we could derive intelligence on terrorists. Nor does it include the work of liaison services around the world on our behalf.

In hindsight, none of us working on the problem can say we ever had enough people. We may not have enough people today, given the magnitude of the problem. But given the context of the budget environment before September 11, and given the other national security priorities established for us, we allocated as many people as possible in

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countering terrorism. I reiterate that we were rebuilding the clandestine service essentially from a standing start after I became DCI. We needed to increase not only the quantity but also the quality of officers operating against a number of priority targets, including, but by no means limited to terrorism. Support to military operations in Bosnia and elsewhere was a dominant theme before September 11, notwithstanding the clarity of hindsight now.

Beyond the need to bring in more officers, at CIA we were working in the context of having to rebuild according to our 1998 strategic plan every aspect of the institution. We had enormous infrastructure, recruiting and technology needs. The infrastructure to recruit, train and deploy case officers was in absolute disarray. We rebuilt [] and overhauled the curriculum. We made enormous investments in improving connectivity with our stations and bases around the world. Similar requirements were being dealt with in all of our disciplines. It would have been negligent on my part to ignore the requirement to rebuild the key elements of CIA's infrastructure. Not even in hindsight can I justify the proposition that I could have simply shifted wholesale resources from other components to CTC at a time when we were trying to recreate a vibrant Agency in all aspects of its work.

We needed to position the Agency in the future to confront our greatest challenges. The strategic imperative was to rebuild CIA, its people, technology and infrastructure, while at the same time maintaining a consistent and methodical focus on growing our counterterrorism efforts. By example, one of the most important investments in the fight against terrorism was made in 2000 with the creation of the Information Operations Center, integrating operations, analysts and technology officers. Establishing IOC was a strategic decision that required money, people and technology. We could have avoided such costs and simply allocated those dollars and people to CTC. But, I viewed IOC as a key investment in our future. That investment has paid enormous dividends in the war on terrorism today. IOC's integration of technology, coordinating effectively with FBI and NSA in particular, with human operations has resulted in the most significant captures of key terrorists to date.

In terms of the Intelligence Community, I paid particular attention to NSA. []

As the leader of the Community, I had to balance CIA's needs and the Community's needs to fund strategic programs to get us healthy again. Yet, your report asserts that I should have transferred some undetermined amount of funding in the year of execution from other Community agencies to support CIA counterterrorism efforts. This presumes

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incorrectly that funding in other agencies was sufficient for them not only to conduct their mission, but more importantly to meet the transformational objectives we put in place in our 5-year budget submissions. Sustained commitment to these objectives has greatly benefited CIA's and the Intelligence Community's performance against terrorism and other high priority issues.

As I have noted earlier, by the late 1990's, all of our agencies were facing major challenges.

But where we could, we shifted resources. I worked with DDCI/CM Joan Dempsey and her staff to identify any possible funding sources available to the highest priority projects or programs.

These transfers occurred in the programming year, not the execution year.

Any major reductions to NFIP agencies budgets in the year of execution would have only worsened their financial plight and created collection and processing problems.⁴ Nor did I believe we could or should move large amounts from NSA, NIMA or even NRO to CIA's counterterrorism program without understanding the overall impact of such funding shifts on the missions of those agencies. For it is fundamental that the programs of those agencies are also a vital part of the counterterrorism effort. CTC's program needed more, not less imagery; it needed more, not less signals intelligence. Any short term gain in CTC's program would have been more than offset by the impact of further cuts in our collection and processing systems. As DCI, I had to recognize that

⁴ Experience with transfers in the year of execution taught us that as a practical matter we could never count on approval in a timely manner. They required the concurrence of Agency directors, the Director of OMB, the Secretary of Defense, and six committees of Congress. It took months of effort to secure transfers. In my view, years of execution transfers were never a way of meeting pressing requirements in a timely manner.

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accomplishing the Community's fundamental mission is a function of improving the performance of all its elements, not one at the expense of the others.

Your report's focus on my failure to seek such transfers misses the strategic context of my efforts to build long term, sustainable programs to address the strategic capabilities needed to attack terrorism and other high priority issues. The report seems to lack any understanding of my work with the DDCI/CM and her staff to rebuild essential Community capabilities over a period of years. Without acknowledging these efforts, I do not understand or accept the report's criticism that I failed to marshal sufficient resources for counterterrorism.

Strategic Analysis

The report mischaracterizes the context of terrorism estimates in the mid to late 1990s. The Community produced an estimate in 1995 with a follow up in 1997. Those estimates accomplished the objective of informing policy makers about the threat and providing a framework for the development of policy.

However, after 1997, senior policy makers in the previous Administration, including the President and Secretaries of State and Defense, the Attorney General, the Director of the FBI and the National Security Advisor, became so deeply and personally involved in counterterrorism issues that another estimate would have added little to what they already understood. Their understanding came from personal experiences in dealing with actual attacks against US interests, from daily analytic briefings, policy discussions and detailed review of covert action proposals. The attacks on our embassies in Africa, the Millennium threat period and the attack on the USS Cole deepened their personal awareness of counterterrorism threats, policies and programs.

In addition, our government organized itself on terrorism in a unique, tightly focused manner, with the operation of the CSG at the National Security Council. Its deliberations were fed directly into the NSC Deputies and Principals committees. There was true depth in understanding the threat posed by al-Qa'ida and a continuity of the key people involved in counterterrorism.

A test of the practical value of a terrorism estimate is whether it would lead to policy responses to the threat. Our experience with the issue of potential attacks using aircraft indicates that policy makers, law enforcement agencies and the private sector did not take any of the countermeasures in response to the threat identified by our analysis or by the Gore Commission, which specifically referenced our analysis.

CIA, FBI and FAA focused on the potential threat represented by using airplanes in 1995 plotting in Manila to bring down 12 US airlines. The 1995 NIE made it clear that terrorists were focused on symbols of our democracy, including the White House and financial districts. It also made clear that

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"Civil aviation will figure prominently among possible terrorist targets in the United States. This stems from the increasing domestic threat posed by foreign terrorists, the continuing appeal of civil aviation as a target, and a domestic aviation security system that has been the focus of media attention: We have evidence that individuals linked to terrorist groups or state sponsors have attempted to penetrate security at US airports in recent years. The media have called attention to, among other things, inadequate security for checked baggage. Our review of the evidence obtained thus far about the plot uncovered in Manila in early 1995, suggests the conspirators were guided in their selection of the method and venue of attack by carefully studying security procedures in place in the region. If terrorists operating in this country are similarly methodical, they will identify serious vulnerabilities in the security system for domestic flights."

In the 1997 Estimate, we reinforced that: "Civil aviation remains a particularly attractive target for terrorist attacks in light of the fear and publicity the downing of an airliner would evoke and the revelations last summer of the vulnerability of the US air transport sector."

In addition to our estimates, on December 4, 1998, we published a PDB memorandum which stated: "Reporting [redacted] suggests Bin Ladin and his allies are preparing for attacks in the US, including an aircraft hijacking to obtain the release of Shakh 'Umar 'Abd al Rahman, Ramzi Yusef and Muhammad Sadiq Awda. One source quoted a senior member of the Gama'at al-Islamiyya (IG) saying that, as of late October, the IG had completed planning for an operation in the US on behalf of Bin Ladin but that the operation was on hold. A senior Bin Ladin operative from Saudi Arabia was to visit IG counterparts in the US soon thereafter to discuss options -- perhaps including aircraft hijacking." (The December 4, 1998 Memorandum is at Tab J.)

We know that our strategic message on terrorism was reaching its audience. The Commission headed by Vice President Gore specifically referenced our analysis on this subject. And, in its 2000 annual publication, *Criminal Acts Against Civil Aviation 2000*, the FAA emphasized threats to civil aviation posed by Bin Ladin, and others.

"Although Bin Ladin is not known to have attacked civil aviation, he has both the motivation and the wherewithal to do so. Bin Ladin's anti-Western and anti-American attitudes make him and his followers a significant threat to civil aviation, especially U.S. civil aviation."

The FAA also issued threat advisories in the summer of 2001 based on our reporting, noting the heightened concern of terrorist attacks.

Notwithstanding a keen awareness on the part of policymakers and the FAA in

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particular to the threat against aircraft, nobody undertook a program of systemic initiatives to increase the security measures associated with the commercial airline industry.

In terms of the current Administration, I believe it would have been helpful at the beginning of the Administration to have produced a comprehensive estimate on al-Qa'ida. An NIE would have provided useful background as we engaged the incoming national security team on terrorism, notwithstanding that Richard Clarke initially remained in his post at the NSC and that I actively briefed the National Security Advisor and her deputy on al-Qa'ida in the months before September 11. However, it is problematic at best to know whether strategic protective actions would have been taken to minimize the threat, given our previous experience with the estimates in the mid 1990s, and the limited time available to the new Administration before September 11.

I do not agree that estimates on terrorism would have driven resource allocation decisions. I was extremely conscious of the terrorist threat, as were the national security officials with whom I worked the issues on an almost daily basis, and our Community Program Managers. I do not believe an estimate would have provided more texture or data that would have changed resource allocations in fundamental ways.

Finally, while your report focuses on a lack of strategic analysis, it downplays my personal and persistent efforts to insure that policy makers were made directly aware of threat reporting. On nine separate occasions, starting in December 1998, I sent detailed memoranda to the senior-most leadership of our government, including appropriate senior leaders in Congress, to warn of terrorist plotting. I have included the memoranda at Tab K. From these and from my constant interaction with the national security team at the White House, I know that those dealing most directly with terrorism in our government were fully informed of the threat. Moreover, the national security Principals personally deliberated and approved a number of extremely sensitive, specifically targeted covert action operations. In doing so, they fully assessed the terrorist threat, as evidenced by the actual language of Memoranda of Notification.⁵ For example, the December 1998 MON, approved by the Principals and signed by the President stated in stark terms:

"Usama Bin Ladin poses a continuing, serious, and imminent threat of violence and death to United States persons and interests throughout the world. By his words and actions, UBL has demonstrated his intent and ability to murder American citizens. CIA considers this threat unprecedented in geographic scope and potential risk, in light of UBL's resources and ability potential [sic] to obtain nuclear, biological and chemical weapons. Among other things:

⁵ All covert action Findings and Memoranda of Notification were fully briefed to the new National Security Advisor and her deputy at the beginning of the Bush Administration.

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-- In February 1998 he issued a ruling (Fatwa) 'to kill Americans and their allies - civilians and military - is an individual duty for every Muslim who can do it in any country in which it is possible to do it.' (Source: CIA report, 'Muslim World: Text of Fatwa urging Jihad against Americans.')

-- Bin Ladin associates are awaiting trial for their role in the August 1998 bombings of two U.S. embassies in Africa. Bin Ladin himself has been charged with the murder of the 227 persons -- including 12 Americans - who died in those bombings.

-- Bin Ladin's organization has a presence in at least 60 countries and has forged ties with Sunni extremist terrorist groups worldwide. Recent intelligence indicates conclusively that the UBL organization has extensively surveyed U.S. targets overseas for vulnerabilities to terrorist attack.

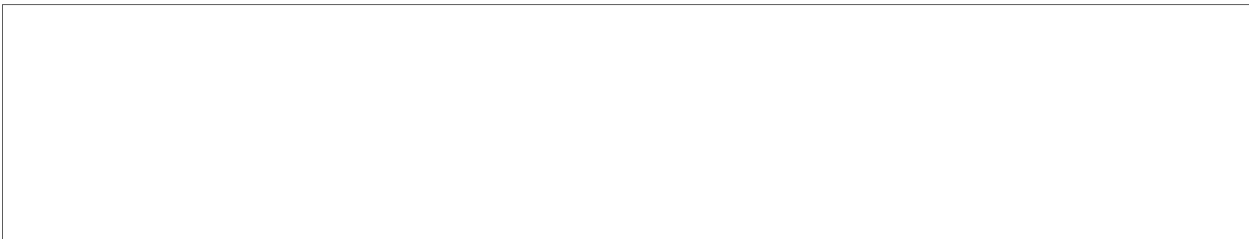
-- The intelligence community has strong indications that Bin Ladin intends to conduct or sponsor attacks inside the United States.

-- UBL is known to be aggressively seeking chemical weapons including VX and, according to CIA, captured documentation indicates he is well along in doing so. CIA assesses that if the UBL organization does have the ability to use chemical or biological weapons, he will use them against American official and civilian targets.

CIA has concluded that 'recent intelligence reporting indicat[es] that UBL is planning to conduct another attack against U.S. personnel or facilities very soon.'"

I am absolutely certain that the national security team fully understood the threat in all its strategic and tactical implications.

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Regarding the [] issue, I was made aware of CTC's interest in acquiring access to such material, and I asked DDCI Gordon to deal with it. As I recall, I was told the problem was resolved, and I was never asked to intervene further at any point before September 11.

In terms of the [] matter, the essence of your criticism is that I did not work hard enough or quickly enough to resolve this problem. The criticism implies that I should have commanded a result. This is not the way I worked with General Hayden on any issue, and, in the case of [] I was not empowered to do so. The President ultimately clarified the matter, as was required.

General Hayden and I discussed the [] issue many times during our regularly scheduled meetings. We believed that our professionals would have to work collaboratively through difficult questions, including concerns relating to civil liberties. The [] issue was complex and far reaching for the Community, both in terms of policy and law, including authorities of the DCI and the Director of NSA. Given the incredibly rapid changes in technology and the ways people communicate and store information, the [] issue challenged our existing legal, organizational and operational structures. I knew that this was an issue that I had to get resolved correctly.

As DCI, I recognized that there were conflicts over the years among officers of CIA and NSA, based in part on differences of understandings over authorities and the proper conduct of their respective missions. In order to deal with lingering concerns and to resolve specific issues as they arose, General Hayden and I supported the establishment of the Strategic Partnership Advisory Group, to provide senior level, ongoing focus over the critically important relationship between NSA and CIA. In fact, the two organizations have worked effectively on the most difficult national security challenges, certainly including the war on terror and support to our military in Afghanistan and Iraq. The relationship is anything but "dysfunctional" when measured by the successes we have had together in decimating the al-Qa'ida leadership to date.

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~~TOP SECRET//CODEWORD SENSITIVE~~Concluding Thoughts

There is no issue on which I spent more time and energy as DCI than terrorism. My engagement on the strategic dimension of the problem was manifest in everything I did to rebuild a Community that had been decimated, into a Community now responding with agility to our most pressing national security problems, including terrorism. At CIA I focused on recruiting and training case officers and analysts, and rebuilding our technological base with the most modern tools we could buy or leverage from the private sector through In-Q-Tel and other such innovations. While rebuilding the Community's capabilities and those at CIA, I realized that we could never do it fast enough to maximize focus on any one issue. However, because of the emphasis I placed on counterterrorism, we insured that CTC grew in resources.

I made strategic investment decisions across the Community to try to stay a step ahead of an agile, sophisticated terrorist organization not for the next week or so, but for years in to the future. I used the ADCI for Collection to drive the Community strategically in collecting against terrorist sanctuaries where the secrets resided that could provide insight into how this enemy planned to attack us. We built a worldwide coalition of partners, some certainly more effective than others given the circumstances before September 11. In doing so, I emphasized terrorism to key partners at the expense of almost all other issues and I fostered personal relationships around the world to give us the access we needed to get things done.

Our policy makers throughout my tenure as DCI were provided access to our analysis on terrorism through a variety of products and a variety of means, including some times daily interactions at the CSG. During heightened periods of threat, I personally and forcefully intervened with the national security team to insure that they understood the threat and what we were doing about it. There is no doubt in my mind that all of us understood the threat in great detail. In fact, actions that were taken in the late 1990s to disrupt attacks are remarkable accomplishments of the Community and the FBI. Yet, your report captures none of this, or my efforts to counter terrorism. Instead, your report focuses on whether I held the right meetings and who was on distribution of certain memoranda, rather than the actions I actually undertook to deal with this fundamental problem, including my interactions with Community leaders and my persistent engagement with the national security Principals on counterterrorism. I categorically reject your assertion that my performance was "sub optimal."

In the years since September 11, the Intelligence Community, buttressed by aggressive policies and serious funding, has had a large role in dismantling al-Qa'ida's central leadership and protecting the American homeland from further attack. This is not by accident. It is because we had the strategy along with a sophisticated understanding of the target that we built over years of hard work. When properly resourced and tied to a systematic program of homeland protection for the first time in our history, driven every

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day by intelligence, the results have been dramatic.

I know that we were never perfect in all that we did in the CIA or the Intelligence Community. But in truth I also know that I did all I possibly could do to drive home urgency, strategic focus and discipline against a very difficult problem. The picture you have created in your report is not close to the life I lived or the actions I took as DCI.

Finally, I must address a matter that is deeply troubling to me as I reflect on my tenure as DCI. In the IG's inspection report of CTC in August of 2001, your office issued findings and conclusions directly at odds with many aspects of the sections of the current report I have been permitted to read.

In August 2001, the IG informed the senior leaders of CIA that "CTC fulfills inter-agency responsibilities for the DCI by coordinating national intelligence, providing warning and promoting the effective use of Intelligence Community resources on terrorism issues." Now, however, I am charged with not using CTC to drive the Intelligence Community.

The August 2001 report on CTC informed us that "CTC's resources have steadily increased over the last five years, with personnel growing by 74 percent during that period and the budget more than doubling. The Center's comparatively favorable resource situation allows it not only to expand its own programs but also to support operations against terrorists and liaison relationships that DO area divisions otherwise could not fund." But I am now charged with "sub optimal" performance in not properly resourcing CTC.⁶

The August 2001 report also stated that "relationships with the FBI had been vastly improved." The IG further informed us that "CTC's relationship with NSA has improved dramatically since the last inspection." The entire thrust of what the IG reported in August 2001 is, in my view, directly at odds with the accusations in the limited sections of the current report I have been permitted to review. In August 2001, the IG did not ask the DCI to take a single action regarding CTC or our efforts against terrorism around the world. Today, however, your report characterizes my performance as "sub optimal." This inconsistency is remarkable and deeply disturbing.

⁶ The report also cautioned that funding increases, in recent years, came from supplemental funding. However, as I have noted previously, I did not favor, nor did I control the policy decision to seek supplemental appropriations.

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4 July 2005

MEMORANDUM FOR: Inspector General, CIA

FROM:

Former Deputy Chief
DCI Counterterrorist CenterSUBJECT: (U) Joint Response to OIG Report -
"Accountability Regarding Findings and
Conclusions of the Joint Inquiry into
Intelligence Community Activities Before
& After 9/11/2001."I. Introduction

1. (U) The following represents the joint response of 17 of the officers cited in the OIG report on accountability prepared in response to the findings and conclusions of the Joint Inquiry into the terrorist attacks of 9/11/2001.

- For unexplained reasons the OIG decided at some point between an earlier draft of its report and this final version that a number of us were no longer to be recommended for accountability boards. We all decided, however, to sign this joint response because none of us had any insight into the criteria used by the OIG to make its final determination.

2. (U) Although the OIG's evaluation of the Joint Inquiry's findings has improved when compared to the portions of the initial draft we were shown in the December 2004-January 2005 timeframe, largely thanks to the input from the individuals identified in that report, we still find this OIG document to be deeply flawed. Unfortunately, the OIG review has missed an historic opportunity to examine what worked and did not work well within the IC. Instead, it has chosen to take a very narrow approach to its mandate from the Joint Inquiry; an approach that does not attempt to produce a realistic and comprehensive review of what happened. In so doing, it abandoned any hope of producing a

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PENDING CLASSIFICATION REVIEW

SUBJECT: (U) Joint Response to OIG Report -
"Accountability Regarding Findings and Conclusions
of the Joint Inquiry into Intelligence Activities
Before & After 9/11/2001."

document that would help CIA and the IC improve its ability
to work CT issues in the future.

3. (U) For the sake of completeness and the historical record, we insist that this joint response, the 13 January 2005 joint response to the earlier OIG draft, any separate responses designated by individual authors, the August 2001 OIG Inspection report on CTC, and the September 2001 OIG Inspection report on NE Division be made an official part of this OIG report on 9/11. We believe that it is essential that these documents be included in order to provide a complete picture, not just to those who will read this record in the process of deciding if there will be accountability boards, but also because it is clear that this OIG report may eventually-perhaps sooner rather than later-be released to the public.

- The release of the Department of Justice IG report sets a precedent for demands that the CIA also release the OIG report that may be difficult to ignore.
- If these materials are not included as part of the official report, the only official record will be what we consider to be a flawed OIG report. Fairness and history demand that we be given some opportunity to respond.
- The above named documents should also be referenced in your report so it will be clear to any reader that they exist.

4. (U) At the same time, the process for commenting on the OIG report ensures that our responses will be inadequate. We have never been allowed to retain a working copy of the report. We have been forced to read and take notes on what is a lengthy document; a process that makes responding in detail to the numerous charges difficult. And, we have not been given significant time or any resources to try to research many of these accusations. This response is already significantly beyond the initial ten days we were allocated to read and respond to a report that had been years in investigation and preparation.

SUBJECT: (U) Joint Response to OIG Report -
"Accountability Regarding Findings and Conclusions
of the Joint Inquiry into Intelligence Activities
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Almost without exception, whenever we have been able to research specific charges or facts raised in the initial and final OIG reports, we have found serious problems. Although the OIG had complete access to all lotus notes and cables from the period under review and draws on them--on a selective basis--to make its case, we have not had the same access. We believe we would have been able to present a more complete picture of our actions/efforts/thinking if we had equal access to notes, cable traffic, and administrative documents.

5. (U) By concentrating its efforts on an attempt to find individuals to blame, the OIG report has ignored the bigger issues that would have led to an in-depth examination of our CT analysis and operations and, hopefully, would have produced recommendations that could have stood the test of time. At a superficial level, the OIG reports tells us that we only need to worry about ensuring that our officers live up to some ill-defined level of "professional standards" and surprises will be avoided and the IC will run smoothly.

- The IG in its introduction, for example, explicitly excludes from consideration an evaluation of successes--many of which were achievements of the same officers criticized in its report. A comparison with what worked well would have given greater context to the supposed failures of the CIA and might have led to improvements in CT analysis and operations in the future.
- As such, the IG has failed to produce a comprehensive "lessons learned" that could guide us in determining what still needs to be changed.

6. (U) The OIG report also demonstrates a clear lack of understanding about the policy, resource, and practical constraints that governed CTC decisions and actions. It compounds this problem via the selective use of "facts" to make points that are based on either misunderstanding or a deliberate attempt to create a case for individual accountability rather than an unbiased examination of events.

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7. (U) Finally, the leadership team in place during the run-up to 9/11/2001 wants to restate the point raised in the 1/13/2005 joint response: we were responsible for the Center's actions, within the constraints placed upon us by policy and the resources we had under our control. It is our belief that to hold more junior officers responsible for the work environment they found themselves in, and over which they had no control, would only encourage an environment of risk-aversion or discourage individuals from taking on the risky missions.

II. Context

8. (U) We will not attempt to repeat the many contextual problems we had with the earlier draft, although some carry through to the final report. We again urge a close read of our 1/13/2005 joint response, which contains a detailed response to many of the claims that are either explicit or implicit in the OIG final report. There are a number of issues that do require additional comment, however, now that we have seen the entire report and revisions to the earlier OIG draft.

9. (C) **Resources.** This is a prime example of a topic that demonstrates how the OIG report either lacks an understanding about the policy and resource constraints we faced or how it tries to selectively use "facts" to paint a negative picture of CTC. The OIG report, for example, questions CTC's management of available resources. In particular it claims that we did not spend all the money available to us despite our repeated requests for additional funding. As proof of this it cites the fact that there is currently about [] ~~million~~ of CTC FY00 base funds unspent.

- In reality, on 30 September 2000 there was only [] (0.5 percent) in FY00 base funds that was not obligated. This represented only about 2 days of spending in CTC.

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- What is the discrepancy? We obligate funds against activities such as field operations, PCS deployments, contracts, etc. If all the charges do not come through, the unspent total climbs over the years until the books are cleared. It is against provisions of the Anti-Deficiency Act to obligate or spend more money than we have been budgeted. Under these circumstances and with the late arrival of Base funds in FY00 ~~million~~ ~~arrived on 27 July 2000~~, it is miraculous that we were as close to spending our entire budget as we were at the end of FY00.
- OIG is well aware from its previous audits that deobligations of expired one-year tenured budgets is a long-standing Agency problem and not systemic to just CTC. To resolve this problem, the Agency was granted authority to fight the post-9/11 war on terrorism using two-year tenured budgets. The Agency did not have two-year tenured budgets until FY02 and CTC did the best it could within the constraints of those fiscal realities in FY00.
- Even the entire ~~million~~ represents only slightly more than one week of funding at our average spend rate, and as a percent of our budget (less than 3 percent) is not significantly different than the overall DO budget "excess" for FY00. Not something you can build new initiatives upon.
- The OIG report seems to implicitly say we should have obligated more money than we had on the assumption that not all the estimated bills would come due over the next four years. Not something we were allowed to do.

10. (C) Moreover, the OIG report selectively treats the fundamental issue of the Center's financial resources. One passage in the report asserts that the OIG did not attempt to reach a conclusion on what overall funding should have been because of conflicting information on the adequacy of funding. Despite being unable to comment on resources,

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somehow they seem to be content to misuse budget information to claim inefficient management of funds. Finally, we would note FY00 was a very confused year: starting off with cuts, accelerated spending due to the Millennium Threat, and late in the year a reserve release and supplemental funding.

- It is clear from the post-9/11 environment that we were nowhere near the funding level required to carry out an aggressive CT program. And that the overall issue is how the USG allocates funds to cover priority issues. That topic cannot be adequately addressed without looking at the roles of Congress and OMB.

11. (C) **Staffing.** Similarly, the OIG report says it does not assess the sufficiency of personnel in CTC, except to the extent that it concludes there were not enough officers with operations experience in UBL Station given the workload the unit faced. This seems to be an attempt by OIG to ignore the workload issue that we discussed extensively in our 13 January 2005 joint response and the IG's own August 2001 inspection report. The focus on operations experience also seems to be an attempt to divert attention from the reality of the CTC environment pre-9/11.

- The officers we had working these issues were the same ones that were responsible for the success CTC had prior to 9/11 and, in many cases, are the ones responsible for CTC's post-9/11 successes once we had adequate resources, authorities, and policies. It also ignores the operational experience of the people in the field who, by-and-large, were responsible for implementation.
- The OIG report also seriously downplays the importance of our effort to homebase more analysts and operations officers to deepen our expertise across the board. This process continues through today and began once CTC was given permission to homebase officers rather than to rely exclusively on rotations.

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12. (~~S//NF~~) Finally, we are puzzled by the inconsistency in OIG messages on training, especially with respect to targeting officers in UBL Station. Several quotes from the IG's December 2003 Inspection Report on "The Future of Target Analysis" will highlight the mixed message being provided by the OIG. First, the OIG defines target analysis in a manner consistent with the approach of UBL Station:

- "There are contending definitions of target analysis, but for the purposes of this inspection report, we define it as the application of analytic techniques to focus collection and covert action." And, "These target officers can provide background information, context, and insight about which targets should be sought, and how they can best be pursued."

13. (~~S//NF~~) The December 2003 report then quotes a "widely respected senior target officer" to describe the tradecraft of targeting, indicating that it involves: driving collection, target marketing, 'operationalizing' information, and operational planning. The detailed discussion included in the report of these last three characteristics accurately describes the main activities of UBL Station, which served as a headquarters component that was driving, marketing, and coordinating field operations. Instead of highlighting that the UBL Station targeting effort was doing exactly what its own target analysis inspection says they should be doing, the OIG 9/11 report criticizes them for not having the same operational experience and training that exists in the field.

- There is no evidence in the OIG 9/11 report to support its assessment that officers highly trained in the recruitment cycle and street tradecraft—necessary to run field operations—are by definition more qualified than targeting officers to use all-source intelligence to identify, validate, designate for pursuit, and coordinate multi-station operations against targets of interest.

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- If the OIG, nevertheless, believes that operations training is necessary, we question why they did not include that recommendation as part of its 9/11 target analysis recommendations in December 2003, or for that matter, make a similar recommendation in its August 2001 inspection of CTC.
- The OIG 9/11 report seems to indicate that offices and officers will be held accountable for having or providing training that the OIG itself does not recommend. In the current environment it will be difficult to send many targeting officers through the [] course ~~when they are in such demand as part of the buildup of the cadre operations officers.~~

14. (C) **Systemic Problems.** The OIG 9/11 report abdicates any responsibility for examining the role of systemic issues in the runup to the terrorist attacks. Without understanding the nature of these systemic issues associated with the Agency and the USG approach to counterterrorism, we are uncertain how the IG's assertion of lapses on the part of individuals square with the 19 systemic recommendations the OIG says it made to the DDCI in September 2004 by the OIG. The memo the OIG drafted on systemic issues within the CIA needs to be considered as a part of the overall OIG process. The OIG 9/11 report clearly states that such a memo was prepared and forwarded to the DDCI. None of us have seen this report.

15. (S//NF) **August 2001 OIG Inspection of CTC.** This is perhaps the most perplexing portion of the final OIG report. The initial draft IG report completely ignored the OIG's own CTC inspection report, delivered just one month prior to the 9/11 terrorist attacks. As highlighted in our 1/13/2005 joint response, the August 2001 inspection report speaks of a well-run Center that is suffering from a stressful work environment, and limited options for dealing with continued shortfalls. Nowhere in this earlier report does the OIG recommend the Agency take steps to change the environment in CTC.

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- When this report was brought to the OIG's attention in our January 2005 response, it made major changes to its initial findings in the 9/11 report, but ultimately absolves itself of any responsibility for its earlier report by essentially claiming that its inspections process was superficial, conducting a "lessons learned" exercise, and changing its methodology. Nevertheless, the OIG 9/11 report still cites the August 2001 report to make points when it suits its purposes.
- None of this can change the fact that leadership throughout the Agency has been told to rely on IG inspections as an aid in improving the management of their units. We are now being told that was a mistake and that OIG will do better in the future. That is all very convenient with the benefit of hindsight, but it seems that no matter what assertions are made now, these inspections were supposed to identify problems and make recommendations for corrections.
- We, in fact, believe the August 2001 report is a better representation of the environment in CTC and implicitly the environment inside the Agency with respect to CT-related issues than is the flawed 9/11 IG report.

16. (e) The IG seems to be on the horns of a dilemma: either they have to admit that the problems they are now citing are only evident with the benefit of hindsight because they could not detect them at the time, or they have to admit that they have for years been producing useless reports and that perhaps they should hold themselves up to the same standard of accountability—that they did not perform their jobs with a reasonable level of professionalism, skill, and diligence and consequently did not discharge their responsibilities in a satisfactory manner. At a minimum, if one accepts the current IG position, the OIG inspection process should be shut down until the IG can explain its past practices and how it intends to improve in the future. There is no sense

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spending the resources currently devoted to the inspection process if it is not providing management with a useful tool to improve itself that will not be repudiated when convenient.

III. Key Issues

A. Watchlisting & Passing Intelligence to the FBI

17. (~~C//NF~~) Despite our best efforts in our previous joint response to inform the OIG of the procedures associated with watchlisting, including the fact that the instructions to the field clearly indicated that it was a field and not a Headquarters function, the final report continues to accuse CTC officers of not performing up to the IG's standard. It also accuses the former Chief, CTC of not upgrading procedures for nominating individuals for watchlisting. The system and procedures in place and described in cables to the field did, in fact, produce more nominations by CIA than from any other government agency and there is no indication that there was widespread confusion on responsibilities. With the resources and people available pre-9/11, it functioned as well as any system could have operated.

- We have gone into some detail in our 13 January 2005 joint response and will not repeat that material here, but urge a close read of our earlier comments.
- It is unclear why the OIG has selectively focused accountability on a few CTC officers when the field has primary responsibility and FBI officers had the information about both men as soon as CTC learned of it. As the OIG report points out, dozens of officers opened and/or read the cable.
- Here as in other places we also must object to the connotation of some of the passages in the OIG report. For example, the report asserts that if al-Mihdhar and al-Hazmi had been placed on the No-Fly list there might have been a greater chance of disrupting the 9/11 plots. It is impossible to

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know the consequences of placing these two individuals on the watch list earlier or on the No-Fly list. Indeed, the plotters were successful in dealing with the inability of one member of the group to get into the United States. Yet the report seems to want to imply greater impact to warrant accountability boards.

B. Strategic Analysis

18. (U) The final draft of the OIG 9/11 report fails to address the key issue on strategic analysis that we raised in our 13 January joint response. Fundamentally, strategic analysis is designed to call policymaker attention to an important issue. There are no credible indications that the people that mattered inside the USG did not fully understand the al-Qa'ida threat. Indeed, if anything, the 9/11 Commission hearings and report clearly indicate that senior officials in both the Clinton and Bush administrations understood the threat.

- During the Clinton administration that awareness was embedded in the covert action authorities approved by the White House. In public testimony these officials even claim to have given us far more authority than an exacting, legal reading of the Memoranda of Notification would justify.
- The understanding of the threat did not end with the Clinton administration. One of the officials who spanned both administrations was Dick Clarke, the NSC's senior CT policy officer. Consequently, there was continuity in Bush administration on this issue. Additional strategic pieces would not have advanced the knowledge base of those charged with making or advocating policy in the NSC.

19. (U) Strategic analysis does not exist in the real intelligence world for its own sake. Yet given the certainty that the magnitude of the al-Qa'ida threat was fully understood in the policy community, the IG still seems to be telling us that we should have produced more, at the same time telling us that we also did not produce enough

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current intelligence for the PDB and SEIB. The IG has taken the usual bureaucratic approach, requiring that more be done across the board without any recommendation for additional resources to accomplish this mission and then threatening to hold people accountable for not being able to be all things to all people. Unlike the IG's 9/11 report, at least its August 2001 inspection report acknowledged that CTC had few options to meet these conflicting demands and was doing a good job managing the environment that confronted the Center.

- That said, although we believe our record is solid, CTC was not satisfied with the amount of strategic analysis we were able to complete given our staffing levels and competing demands for analytic products. Unlike the OIG report, which just asserts we should have done more, we were actively working to increase the resources devoted to strategic analysis. The former Chief of the Analysis and Information Group was aggressively pushing a program to increase staffing and expertise within AIG. CTC could not control the speed of the response from the bureaucracy.

20. (U) The OIG criticism of our strategic analysis is carried to an extreme in the discussion of the production of intelligence analysis on aircraft as weapons. On this topic the IG faults CTC for not doing a specific assessment of this threat. Yet the 9/11 Commission staff in its August 2004 Staff Report on the FAA makes the following statements: "The FAA was the agency primarily responsible for assessing intelligence for its relevance specifically to US commercial aviation." And also: "Nevertheless, the FAA had indeed considered the possibility that terrorists would hijack a plane and use it as a weapon. In the spring of 2001, FAA intelligence distributed an unclassified CD-ROM presentation to air carriers and airports, including Logan, Newark, and Dulles. The presentation cited the possibility that terrorist might conduct suicide hijacking but stated: 'fortunately, we have no indication that any group is currently thinking in that direction.'" The Staff Report later states: "However, the FAA's security briefings to airports in the spring of 2001 contained an important

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caveat. It stated that from the hijackers' perspective, 'A domestic hijacking would likely result in a greater number of American hostages but would be operationally more difficult. We don't rule it out . . . If, however, the intent of the hijacker is not to exchange hostages for prisoners, but to commit suicide in a spectacular explosion, domestic hijacking would probably be preferable.'" What should we make of this? A couple of obvious conclusions are warranted:

- The IG has not dealt with material surfaced by other inquiries, such as the 9/11 Commission. In some cases, such as this one, this material should have a fundamental impact on the IG's conclusions.
- The IG is again asking that CTC do something additional that would only duplicate work that has already been done by some other element of the USG, and in this case an organization that had primacy over the issue. This is particularly striking during a period of intelligence reform prompted by the 9/11 Commission report that is calling for less duplication.
- The possibility that aircraft would be used as weapons was not enough to generate a real world response even when explicitly acknowledged because there was not specific threat information. As the OIG report notes, there was on average only about one report per year that dealt with the aircraft threat out of the thousands of threat reports received between the mid-1990s and 2001. One more review by CTC would not have changed the response by the aviation community. Although it is worth noting that the former Chief of AIG was in the process of setting up a unit to look at possible future terrorist tactics at the time of 9/11.

21. (U) The OIG effort to assign accountability to CTC is also evident in the charge that not enough was done by CTC on the domestic aspect of the threat. The 9/11 Commission Report clearly indicates: "Taken together, the two directives (PDD 62 & 63) basically left the Justice

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Department and the FBI in charge at home and left terrorism abroad to the CIA, the State Department, and other agencies, under Clarke's and Berger's coordinating hand." On several occasions the former Chief, CTC asked the FBI for a comprehensive briefing on the role and activities of al-Qa'ida in the United States. We never received such a briefing. Yet now, the IG would hold us responsible for actions that properly were a different organizations lead, just as in the case of analysis of aircraft as weapons.

C. Kahlid Shaykh Muhammad (KSM)

22. (~~C//NF~~) There is not much more ground to cover than what we highlighted in our 13 January joint response, and we urge a close read of our earlier comments. A few key points, however, are worth emphasizing here:

- The IG claim that we should have come to closure on the role of KSM sooner than we did is, of course, driven by hindsight, when everything becomes much clearer. On top of this, however, the IG report does not present a credible scenario as to the implications of our limited understanding of the role played by KSM. It is not as if CTC did not capture and render KSM because we were not able to document his role in al-Qa'ida beginning in the late 1990s.
- The idea that it was inappropriate to assign KSM to the ~~Renditions Branch~~ rather than to UBL Station is also perplexing and driven by hindsight. The IG documents that the FBI considered KSM an FBI case, not even a joint FBI-CIA case. There was a warrant out for his arrest. ~~Renditions Branch~~ was assigned the job of providing support in tracking down and capturing those individuals wanted in the United States. The IG report even states that CTC issued hundreds of requirements cables in its effort to locate KSM and bring him to justice. These cables often emphasized the fact that KSM posed a threat and asked for information about what he was doing and with whom he was meeting. CTC was working ~~the~~

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~~rendition~~ with the resources available to it under
the policies in place at the time.

- And finally, the internal contradictions in the IG report are nowhere more evident than when discussing KSM. The IG wants CTC to add to the workload of UBL Station by leaving the KSM case there, at the same time they are complaining that unit was suffering from a heavy workload and did not have the experience to carry out operations.

D. Intra-DO Coordination and Cooperation/Liaison Relationships

23. (~~S//NF~~) We will not repeat our earlier comments from our 13 January joint response, but would like to note the 21 September 2001 IG Inspection of the Near East Division to emphasize the correctness of some of our earlier comments.

- That report acknowledged the [redacted] and based on the comments the IG staff heard during its inspection, attributed it to policy differences with the United States over Middle East policy [redacted]
- In its current report, the IG again ignores its contemporary inspection of similar or related issues, and instead chooses to assert that lack of progress with [redacted] was the result of poor relations between CTC and [redacted]

24. (~~S//NF~~) Elsewhere in its NE inspection the IG implicitly points out the excellent working relationship between NE and CTC by praising [redacted] Stations and [redacted]-Base. All places that CTC was heavily involved in funding and working with on the CT target. Given all of this it seems more likely that the problem with working the CT target in [redacted] had more to do with the environment there than with tension between UBL Station [redacted]

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- Indeed, the OIG inspection of NE was more concerned with looking backward to the last crisis. The only recommendation it made to NE management was to review its work on [REDACTED]

No recommendations or significant discussion addressed any of the issues now raised in the OIG 9/11 report.

E. Intelligence Community

25. (U) The overall discussion of the role of the Intelligence Community in the OIG's 9/11 report is confusing. When non-CIA elements of the IC refuse to staff the Community Counterterrorism Board in CTC, the IG asserts it is CTC or CIA's fault, not the fault of the organization that was supposed to fill the position. At the same time, when the IC does something good—the OIG report praises the ADCI/Collection as the manager with the only effective collection strategy—it implicitly seems to imply that this was simultaneously a failing of the CIA and CTC. CTC was working very closely with the ADCI/Collection and saw this as a successful part of the overall CT effort. There was certainly no reason to divert scarce resources to duplicate what was already working.

- Other parts of the OIG 9/11 report on CTC's interaction with the IC seem to ignore the 9/11 Commission's Report and the entire debate over intelligence reform which highlighted the lack of control over the IC by the DCI or an entity like CTC with community responsibilities. It seems odd to hold individuals accountable for issues that seemingly required the largest organizational realignment of the entire IC in 50 years to correct.

IV. Unfinished Business

26. (U) A comprehensive and useful report on 9/11 would have included a discussion of broader issues to help the CIA evolve in a time of intelligence reform. Among the

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difficult topics that have not yet been addressed is how to deal with surprise and, in particular, surprise attack. The key questions should have been:

- How can CTC officers, who in the pre-9/11 environment were clearly working the hardest and the longest on this issue, do things differently in this period of intelligence reform to reduce the risk of surprise?
- How do personnel and budgets get allocated when there are conflicting priorities?
- How do you attract officers to work on high priority topics such as counterterrorism, if when the inevitable intelligence surprise comes along they are going to be held personally accountable?

Acknowledgement Block

(U) Seventeen officers mentioned in the OIG 9/11 report, including all 16 of the current or former CTC officers cited by the IG, have signed the above response. Signatures have been retained separately by the former DC/CTC in accordance with the approach used in the OIG report, which utilizes only the titles of the officers involved.

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CTC Front Office Statement and Signature Blocks

(U) Finally, the former CTC front office wants to re-emphasize (as it did in the 1/13/2005 joint response) that we were responsible for the activities of the Center under our watch. We believe it is not appropriate for more junior officers to be held responsible for conditions over which they had no control. All of the undersigned believe that the Center admirably discharged its responsibilities given the constraints under which it was operating. If we were not always successful, it was not for want of trying or dedication to the mission. We are proud to have served with our fellow officers on the front line in the war against terrorism during this difficult and stressful period. There was no more expert and determined group of individuals anywhere than those who labored in anonymity within CTC to protect our country and our fellow citizens. CTC's capabilities are clearly demonstrated by the series of operations and analyses conducted by the Center that set the stage for the USG response to the 9/11 attacks, and perhaps more dramatically by the success achieved when previous restrictions and resource constraints were removed. The country and we owe a debt of gratitude to those who gave of themselves before and after 9/11 to fight the terrorists who plot attacks against America. It was an honor to serve with them.